CONVOY DISPATCH

Nov.-Dec. 1984
No. 48

VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975

International Vice Presidents Affected

Anti-Racketeering Act Becomes Law

For the first time in a generation there are no members of the Provenzano family on the General Executive Board of the Teamsters Union. In October Salvatore "Sammy Pro" Provenzano was forced out of all union offices, including International Vice President, because of the passage of the Labor Management Racketeering Act on October 12.

Another IBT Vice President Maurice Schurr of Philadelphia, may be ousted also, but at this point he is refusing and Presser is apparently backing him on it. Schurr makes "no comment", but apparently claims his jury conviction in June for conspiracy to commit bribery and receiving pay-offs from wholesale food employers is not a disqualifying offense under the act. The Justice Department has not pressed the matter officially, but is likely to do so. Hopefully Schurr will then be ousted and have to return salaries paid in the meanwhile.

Provenzano was convicted last December of defrauding the union dental plan in Union City Local 560.

Both men have stayed in power pending lengthy appeals, and retained their six figure salaries. The new law requires union officials, management labor-relations people, and pension fund officers to vacate office and employment upon conviction. Various other Teamster officials have also been affected by the new law.

In March, 1983, TDU testified for the bill before the U.S. Senate Labor Committee. At the hearing, Detroit Local 337 member Jerry Bliss, New Jersey Local 478 member Frank Greco, and attorney Arthur Fox detailed with facts the situation of payoff artists on union and employer payrolls.

Also supporting the bill was Lane Kirkland, President of the AFL-CIO. Unlike the rest of the labor movement, the top Teamster officials opposed it, for obvious reasons.

Implications for Presser

The new law has potentially important implications for Jackie Presser. Because of his policy of paying several "ghost employees" at Cleveland Local 507 for years, Presser faces possible indictment. Two of these "ghosts" have already been convicted, including Presser's uncle, Allen Friedman. If Presser is indicted and subsequently convicted, he will not be able to stay in office during long appeals.

Provenzano at first announced he would not resign, saying, "I don't intend to give up the Vice Presidency of the IBT." He claimed he would retain the title but not actively function. He was soon ordered out, however, by the U.S. Attorney's office.

Schurr apparently intends to remain on the IBT board for now, and retain his other posts as well. TDU will continue to urge his removal, based on his conviction for taking payoffs to sell-out the members.

Main Features of Anti-Racketeering Bill

In addition to requiring officials to leave office upon conviction of serious crimes (instead of after exhausting all appeals), the new law also: 1) changes the period of disqualification from 5 years to 3 to 13 years, with discretion left to the trial court; 2) the law is extended to cover officials of benefit plans; 3) labor bribery involving over $1,000 is raised to a felony; and 4) the list of disqualifying offenses is expanded to include any felony involving abuse or misuse of a person's position to seek illegal gain at the expense of the members of the union.

It is important that all Teamsters realize that laws and courts can give us some protection of our rights, but that only an active, informed membership can really use those rights to improve our union. If the majority of members say it's "hopeless" and do nothing, we will be stuck with similar replacements for every Provenzano and Presser.

That's why TDU is dedicated to winning the Right to Vote for Teamster President, along with protecting our contracts. If you agree, we invite you to join us.

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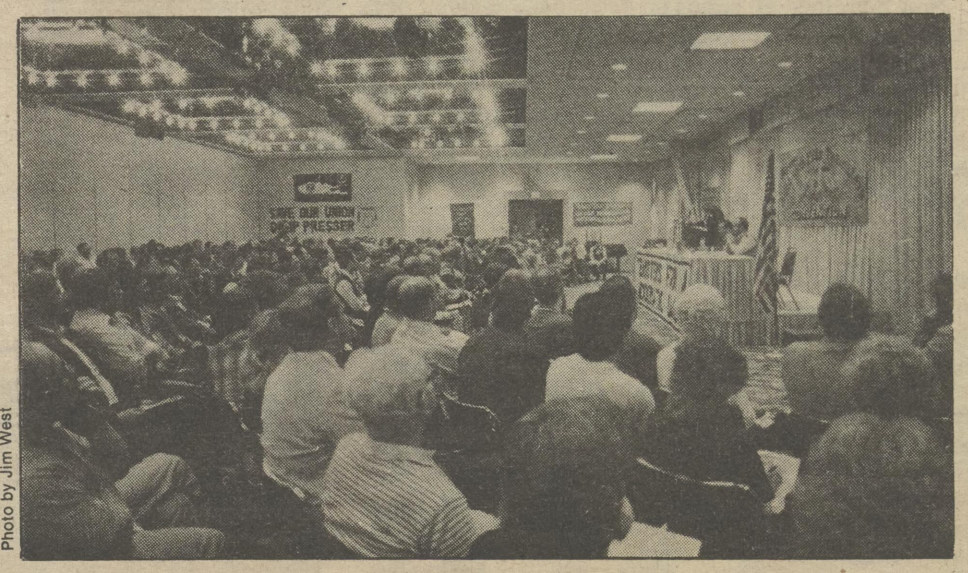

Photo by Jim West

Over 500 rank and file delegates met at the TDU Convention in Chicago to set plans for the coming year, working towards the goal of strong contracts and the Right to Vote for our International officers.

Your Right to a Meaningful Vote

TDU Legal Victory on Vote Stings Presser

"We are elected by the people."

—Jackie Presser, November, 1984
Teamster Magazine

Jackie Presser, stung by TDU's court victory giving Teamsters the right to a fair and meaningful contract vote—including the right to discuss it before it's mailed out—may be losing his mind. He now imagines he was *elected* by the rank and file.

This statement appears in a 2½ page article in the current *Teamster* magazine in which Presser lashes out at TDU for beating him in the precedent-setting *Bauman v Presser* case in September.

For the record, Presser has never faced one contested union election in his whole life. A local was created by his father, and he was installed at the head of it with his friends and relatives serving as the Executive Board and as ghost employees. He was chosen as Teamster president in April 1983 by 17 men on the General Executive Board.

Interestingly, two of those who supported Presser are on the way off the board due to criminal convictions—one for taking employer pay-offs, the other for defrauding the members' dental plan.

Presser's Case Against Democracy

Let's take a look at what Presser claims, as he lashed out at TDU, the courts, the media, attorneys and others.

• *Winning the right to a fair and meaningful vote was undue interference by the courts in our union.* We say he violated the law, and the court agreed. The issue here is the right of Teamsters to have time to attend union meetings and discuss a contract, before the ballots are mailed out. It prevents a secrecy-and-quickie-vote deal, which is what Presser wants to use to railroad the members.

Does this sound like "interference" to you? It sounds like protection of democracy to us. We are proud of that precedent. It protects *all* Teamsters for years to come.

In some other unions, members have this right guaranteed in their union constitution. In the Mineworkers, not only do they get to vote in the

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Teamsters for a Democratic Union
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From the Members

S.O.S.—Get Aboard Now

Now hear this, all hands on deck. All hands on deck. TDU has built us a boat and loaded it down with oars. We just need a full crew to help us row through the current of justice which flows to the Sea of Prosperity. The Sea of Prosperity is there for us and our companies if we will just show them the way.

Don't be like the man who found a rooftop to perch on top of while he prayed relentlessly to the Lord to stop the rain. He turned down three rescue boats in a row because he was sure that the rain would stop. Eventually he drowned and upon arrival into heaven he quickly asked the Lord, "Why did you ignore me, and allow the rain to continue, I never lost faith." The Lord quickly answered, "I sent three boats and you ignored me."

People, the folks at TDU are a God-Send. For the sake of co-workers, loved ones, and yourself, don't let the building of our boat be in vain. If fear is the only thing holding you back, fear not, Legal life-rafts will be issued to those in need.

We are working only to better conditions for us and our superiors. If our companies treat us right, we will want to treat them right. Don't wake up like I did and hang your head in shame at how long it took you to get on the ship.

So please, buy a seat on our boat for $25.00 a year and grab an oar. Together we will pull through this thing and enjoy the proper respect we so rightfully deserve.

For what should a man profit, if he should gain the whole world but lose his own soul. If we don't stand together we'll lose that, too.

TDU Members
Augusta, Georgia

Thanks to TDU for Legal Help

This is a letter of gratitude to all the members and staff of TDU who helped my husband and I through a difficult time that we've recently had with his company, Murphy Motor Freight Lines.

He was fired from his job as an over the road driver on July 9, 1984, in Nashville, Tenn., where he was called out for his next run only 5½ hours after he'd been able to punch out of the terminal. This had happened several times before and he'd always gone. This time he chose to protest, since this is clearly against D.O.T. regulations, that do provide for 8 hours rest. His company's answer was to fire him on the spot.

At that time, being a fairly new member of TDU, the first thing he did when arriving home was to call the TDU Detroit Office and get some advice.

We followed this advice to the letter, and drew many helpful hints from our "Legal Rights Handbook," for help in filing his grievance against his discharge.

After a total of 10 weeks and the state and local hearings, this culminated at the Joint Area Council Hearings in Chicago on September 11, 1984. He was reinstated to his former position with compensation and full back benefits.

During all of this time, the TDU staff was always available to answer our questions and give sound advice. Without this I'm sure that we would have encountered many difficulties along the way.

So thanks again TDU staff for always being there with support and answers when we were in need.

As a footnote—we attended the 9th Annual Convention in Chicago during October and found even more helpful and informed people, ready, willing and able to teach us how to protect ourselves and work toward a stronger union in the future.

Frank and Linda Alberty
Local 364
Lakeville, Indiana

You Can Make A Difference!

Join the $100 Team

"I joined the $100 Team because there is no one else giving the working Teamster this kind of education and legal advice. As a matter of fact I have given $100 each year for many years."

Pete Sercombe
Transcon, Local 150
Sacramento, Cal.

At the recent TDU Convention over 150 people joined the $100 Team. This was a great start, but more is needed if the Teamster Rank and File Education and Legal Defense Foundation (TRF) is to continue publishing books like the *Legal Rights Handbook* and *Steward's Manual,* and keep providing the legal services that aid so many Teamsters. Your donation is tax-deductible. Won't you give today?

___I pledge $100. My check is attached.

___I pledge $100 in four monthly pledge payments of $25 contributions.

___I pledge $100 in ten monthly payments.

I wish to remain anonymous: ☐ yes ☐ no

My name may be listed as a donor: ☐ yes ☐ no

Name_____ Company_____

Address_____ Local_____

City_____ State_____ Zip_____

January is Time to Change Bylaws

All of our local unions are governed by *bylaws*, which may be amended by vote of the membership. In many locals, the only month in which changes can be submitted is January. If you are interested in changing your local bylaws, now is the time to plan it carefully. The TDU office is available for advice and help. We recommend you contact us before you draft your changes. We can tell you the legal way to accomplish the changes you want.

TDU Steering Committee

Co-Chairs:
Doug Allan, #208
Mike Belzer, #705
Pete Camarata, #299
Cliff Coonley, #600
Organizer:
Ken Paff, #407
Trustees:
Mike Friedman, #407
Konstantine Petros, #20
Maralee Smith, #142

Members:
Emil Abate, #853
Barbara Boriotti, #804
John Braxton, #623
Manuel Diaz, #679
Brian Elliott, #966
Linda Gregg #435
Jim Wardell, #710
Alternates:
Kyle Ray, #413
Sam Fenn, #63
John O'Brien, #445

MOVING? Please notify us of any change of address. Otherwise you will not receive your *Convoy Dispatch*, as it is sent third class mail and will not be forwarded to you. Use the membership application in any issue of the paper to let us know you are moving, and write on the top of the form: **CHANGE OF ADDRESS.**

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Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers, warehouse workers — every kind of Teamster and spouses too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in October 1984 for one year. Our Rank & File Convention had over 500 representatives present.

We are proud Teamsters standing up for our rights. If you agree with our **Rank & File Bill of Rights**, then how about joining us?

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All Business Agents and Stewards should be elected. Vacancies in offices should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining their company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent till proven guilty, right to remain on the job till final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right backed up by our union to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT HOUR DAY AND FIVE DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25 and out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the difference in age, race, and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

Washington Watch

Report Cites Flaws in BMCS' Safety Audits

A House Subcommittee has just released a report detailing and confirming what many road drivers have known for years: that BMCS safety audits and procedures are extremely lax and inefficient in correcting safety violations. Rep. Cardiss Collins, chairwoman of the Government Activities and Transportation Subcommittee said in announcing the report that, "What we have in the D.O.T. are all the elements of a sham enforcement effort."

FBI Investigates

Testimony from the General Accounting Office presented case after case of inconsistent and arbitrary investigations by the BMCS. In one case, an investigator conducted 41 safety audits and recommended a satisfactory rating 98 percent of the time while never recommending an unsatisfactory rating.

In another shocking report it was noted that there have been three federal investigations initiated on BMCS personnel—all of them regional Directors, with one of the investigations involving the FBI. These investigations involved allegations of conflict of interest and/or preferential treatment of particular carriers.

The subcommittee reached the conclusion that the failure to adequately protect the integrity of safety audit procedures, ensure an impartial investigation and adequately redress the grievances of "whistleblowers" demonstrates "the fundamental flaws in BMCS operating procedures and philosophy."

That philosophy was laid out explicitly to the subcommittee by Marshall Jacks, the Federal Highway Administration's associate administrator for safety, traffic engineering, and motor carriers, when he said, "In our enforcement activities, we consider sanctions to be remedial, not punitive, and we are more interested in influencing carriers' safety practices than in collecting fines for infractions."

This has been the philosophy of the D.O.T. over the past several years, as the report notes, "The D.O.T. has sought to portray itself as understanding to trucking industry concerns... while at the same time, D.O.T. has been dropping cases, holding down fines and easing regulations."

Noting that the government has a responsibility to protect the safety of its citizens on the highways, Rep. Collins remarked, "Because the safety audits are lackadaisical and without credibility, the public's safety on the road suffers." One only wonders how many of the over 31,000 truck accidents in 1983 could have been prevented, or how many of the 2,528 lives lost in these accidents could have been saved if the D.O.T. had just done its job.

If you want a copy of the Congressional report, "Protecting the Integrity of the D.O.T.'s Truck Safety Audits," send $1 for postage to the TDU office. And if you have any information on the lack of enforcement or failure to act on valid complaints on the part of the BMCS, please write to TDU.

Something to boast about? This cartoon appeared on page 12 of the October **Teamster** magazine. It features President Reagan on the Teamster wagon driven by Presser running all over the other unions. Notice that in the background on the right one of the first to get run over is Patco. Should our union be bragging about the destruction of an entire labor union?

We think it's time for people like Jackie Presser to get on management's payroll where they belong, and off ours. Let's get the **Right to Vote** for our International officers.

Legal Briefs

Simpson-Mazzoli Immigration Bill Dies in Congress.

The immigration bill opposed by many unions and hispanic groups died in the last minutes of the recent Congressional session. A joint House-Senate conference worked up to the end of the session but failed to iron out differences between two versions of the bill.

Tandem Truck Safety/Productivity Bill Enacted.

On October 11, the Senate passed a bill heavily promoted for its productivity aspects by the American Trucking Association, but also containing beneficial safety provisions. This measure will allow the Secretary of Transportation to determine whether all designated Interstate Highways should be used for 102 inch-wide trailers. The ongoing controversy of whether highways under 12 feet wide may be used for these trailers will be settled by this law.

The law will still allow a governor to petition the Department of Transportation for permission to close designated highways to the wider trailers, if it can be shown that they would create a safety hazard.

The bill also requires the Secretary of Transportation to draw up minimum safety standards in areas of vehicle maintenance, equipment and loading. The bill allocates funding for studying certain safety-related problems, including driver crash protection.

TDU Files Brief Supporting Right to Strike.

As we go to press, TDU is filing a brief in the Supreme Court supporting the right of a union to fine members who scabbed during a strike. The NLRB, supported by the Right to Work crowd and other employer groups, has ruled that members have an absolute right to quit the union at any time and that having quit they cannot be disciplined for scabbing.

Despite the fact that the NLRB's ruling could knock out Article 19, Section 7 of our own IBT Constitution, TDU at this time is the only group filing in support of the union involved, the Pattern Makers.

St. Johnsbury and Others to Road Drivers:

Get Connecticut License on Own Time

Throughout New England and the eastern seaboard area trucking employers are requiring road drivers to donate a free day's labor (or more.) And so far the grievance mechanism has not stopped them.

The state of Connecticut (in its battle to prevent or limit double trailers) is requiring drivers to have a special license to pull doubles in or through the state. As a result, drivers from domiciles in New York, Pennsylvania, Maryland, and many other states are required to travel to Connecticut to obtain such a license. And the employers are telling them to do it on their own time (and miss a trip to boot.)

Such employers include McLean, Yellow, Carolina, Smith's Transfer, Ryder/PIE, St. Johnsbury and others.

The TDU office has initiated a legal investigation into the matter, and feels hopeful that legal action can be taken to win.

If your employer is requiring drivers to travel to Connecticut on their own time to either continue employment or to continue to maintain earnings, then we are interested in hearing from you. Keep in mind that grievances can (and should) be filed, but that legal action is independent of that.

The U.S. Supreme Court ruled in the case of *Barrentine v ABF* that no grievance committee can waive your rights under the Fair Labor Standards Act. In that case, TDUer Lloyd Barrentine and four other ABF drivers won the right to be paid for time spent on pre-trip inspections.

If you are interested in taking action on this matter, contact us. Also, we would like to know of any decisions reached in the various grievance committees.

Washington Office

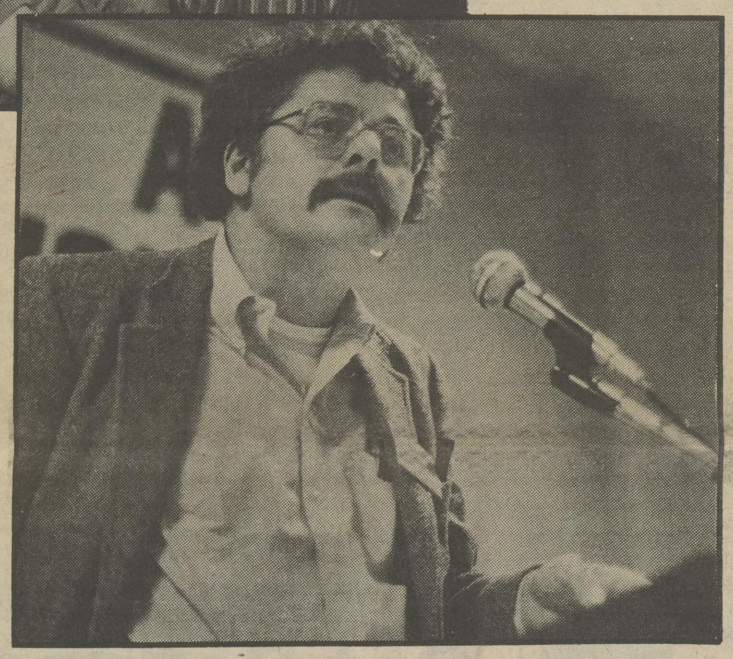
This page is devoted to news from the Washington office of TDU — formerly PROD's national office. Litigation, designing new legislation, and reforming safety regulations concerning all aspects of working conditions and truck design — the Professional Drivers Council of TDU is here to help you. Contact us today at:

PROD/TDU
2000 P Street, N.W., Room 612
Washington, D.C. 20036
(202) 785-3707

1984 Rank & File Convention

Involvement. Above: members listen attentively to debate during one of the main sessions of the Convention.

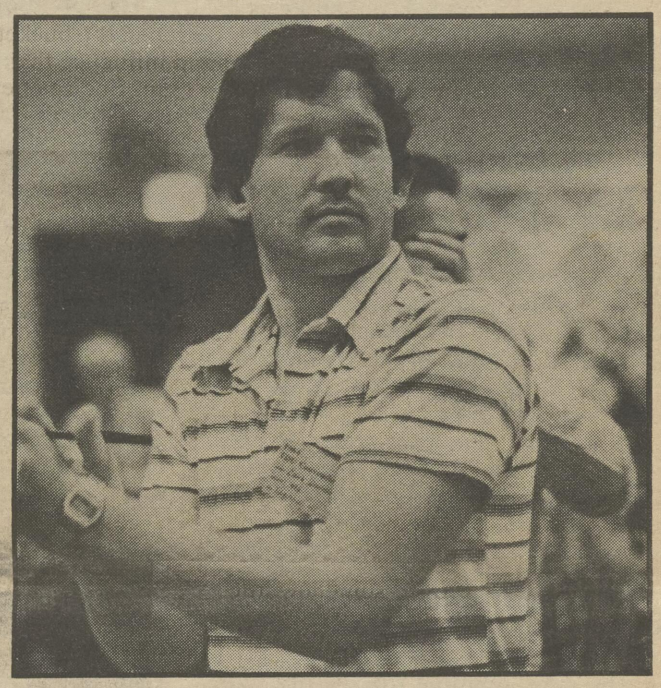
Education. Right: Cornell University Professor Nick Salvatore speaking on the roots of the labor movement at the special Friday night session. A discussion followed on the differences between the 1930's, when many unions grew dramatically, and the 1980's—a time when labor is on the defensive, and concerned members are looking for positive ways to rebuild union stength.



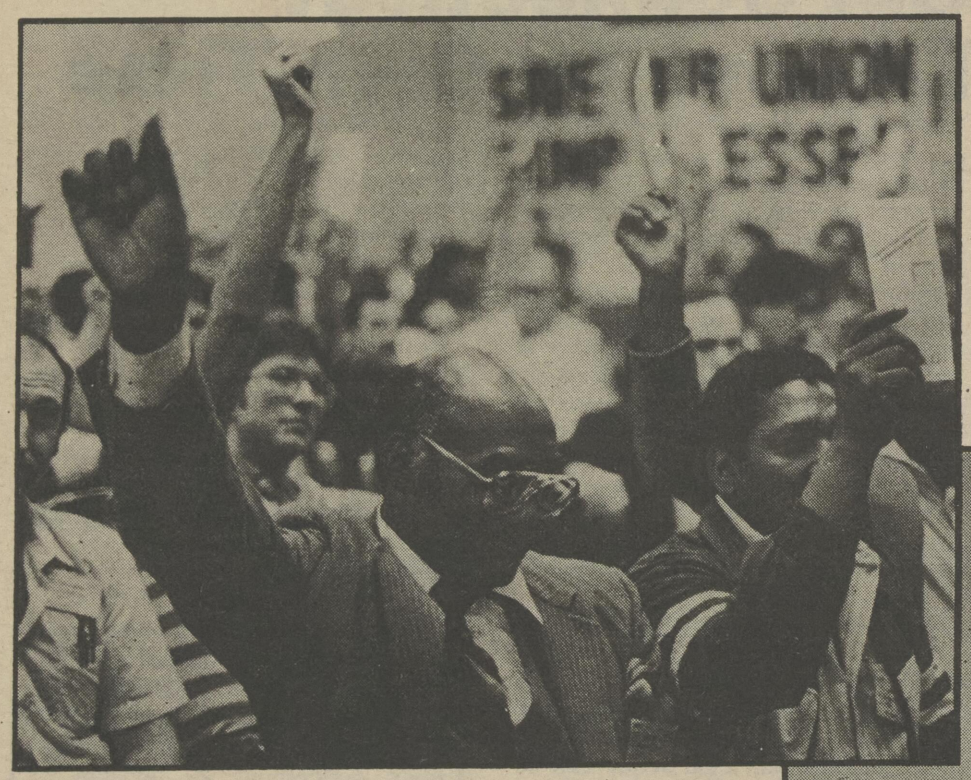
Solidarity. Commitment. Democracy. Each of these words has a lot of meaning. Is it possible that one event could be described by them? The 500 members who came to Chicago on October 13 and 14 might say that the TDU Convention meant all of those things to them. Spirits were high amongst the delegations that came from all across the United States to learn for themselves, educate others and help guide the direction and growth of TDU. Stories were swapped, plans set, contracts discussed and legal advice given.

But the real work of the Convention was in reminding all who attended that the spirit of unionism is alive in the Teamsters Union, and that TDU members are at the heart of rekindling and keeping alive that spirit during one of the darkest hours for labor and unionism. By the close of the last session on Sunday it was clear that Solidarity, Commitment, and Democracy are not unreachable—they are what TDU is all about. Next year shouldn't you be there, too?

All photos pages 4 and 5 by Jim West.

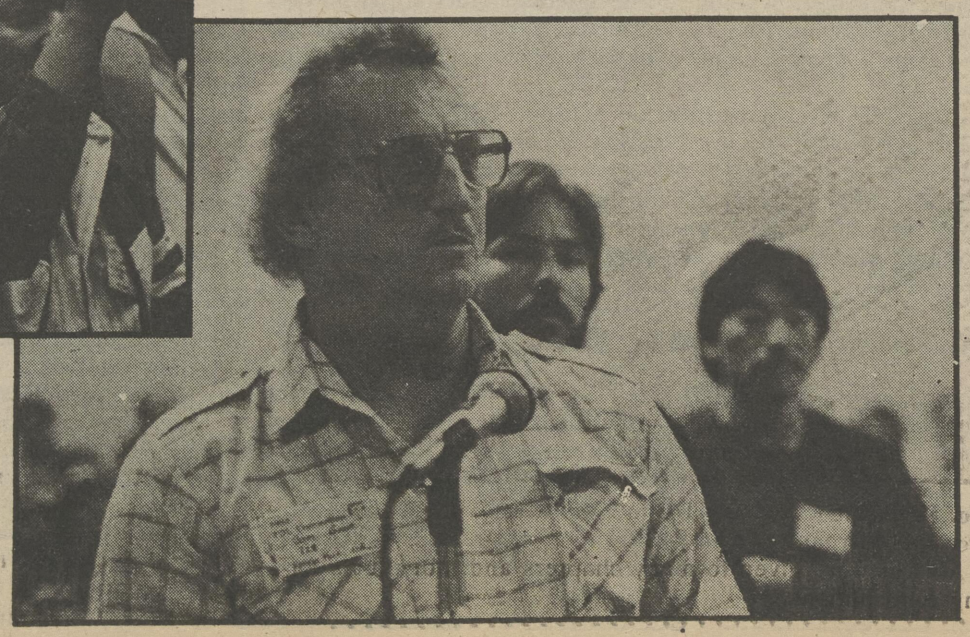


Above: Dave Dunning, Local 486, Saginaw, Michigan.



Democracy in Action. Left: the Convention provides TDU members with the opportunity to debate and vote on policies. Two proposed amendments to the TDU Constitution were discussed. One, on changing TDU's stance of non-involvement in political matters and endorsements, was overwhelmingly voted down after pro and con debate. Another proposal was to change TDU's Bill of Rights, which says that Teamster officers' salaries should be in line with the highest paid workers they represent. The proposed change would have softened this stand, but it was also voted down after debate.

A resolution clarifying the TDU Constitution was passed overwhelmingly, regarding prevention of potential disruption through attempts to join TDU by "Blast" or other goon squads.



New Chapters. Right: Sam Grant, a delegate from the new Atlanta, Georgia TDU Chapter speaking at the microphone. The Atlanta Chapter was just one of the six new Chapters represented at this year's Convention.

Rebuild Our Union!

This year's banquet speaker, best selling author Studs Terkel, was a huge success. What follows are excerpts from Studs' talk on Saturday evening. Cassette recordings of his speech are available from TDU for $3.00.

"I'm delighted to be here, but more than that I'm excited to be here, because seeing you and what you represent in TDU brings back the memory of what the Teamsters first were."

• • •

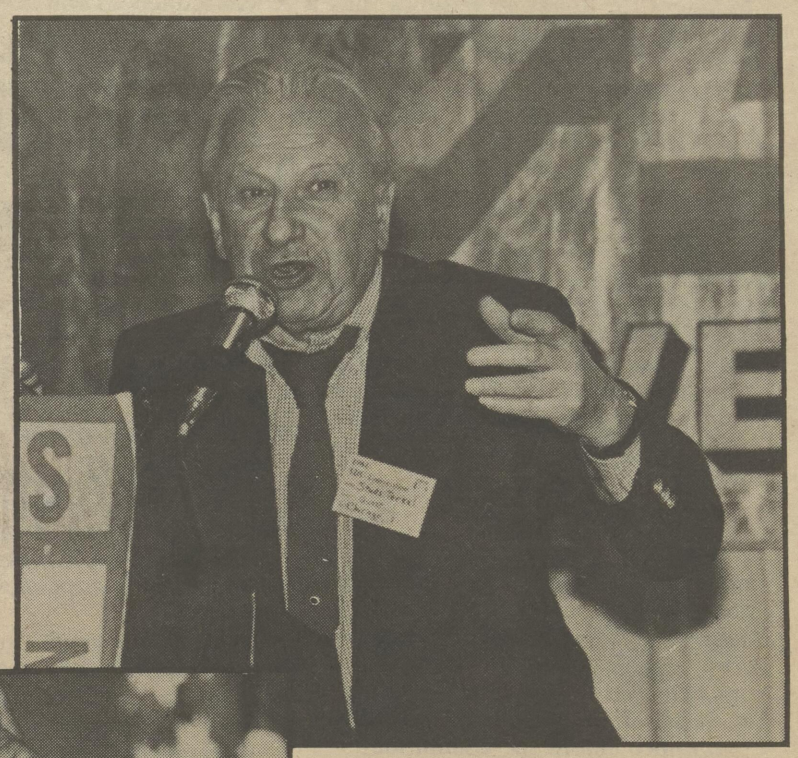
"I know you've just had a victory in court over United Parcel Service and Jackie Presser. This is a sign to me that there is something in the wind and that you represent that."

• • •

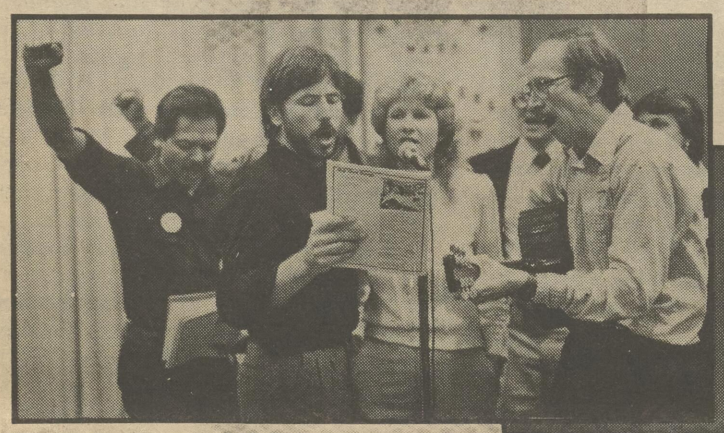
"How far you have come since the first Convention in Las Vegas, in 1976, when Frank Fitzsimmons told you to go to hell. But you didn't. You're here. And Frankie's in hell, and if he's in heaven, then I want to go to hell."

• • •

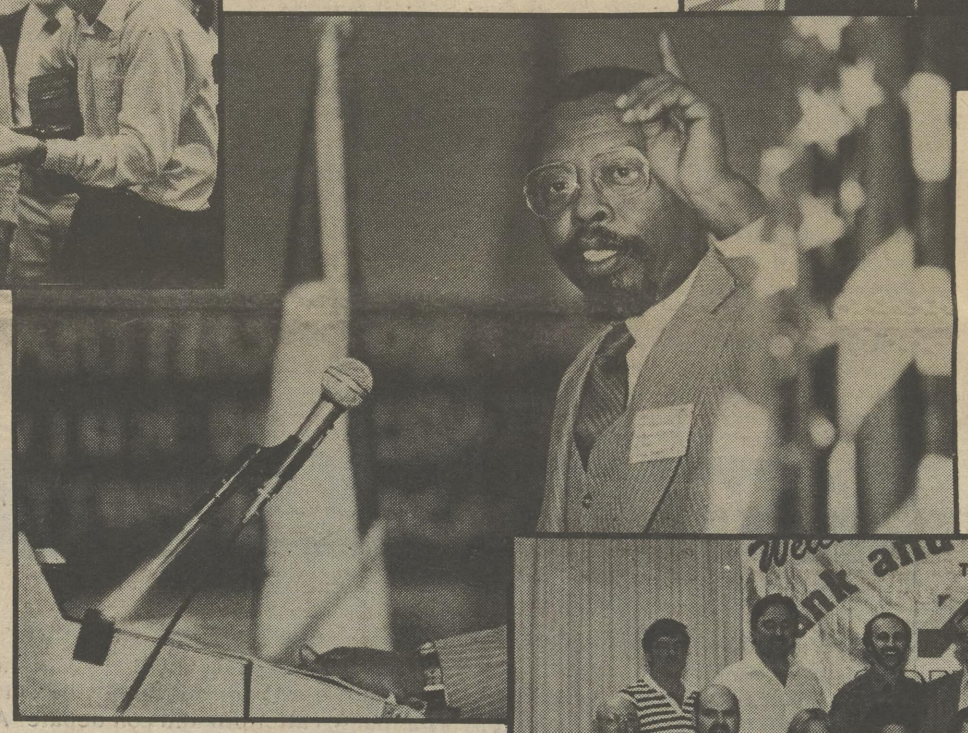
"And it seems that 8,000 people is a drop in the bucket, but I know you are growing. But it isn't always the numbers, but the passion and influence that is felt by those people. Someone I know, Joe Beggly is his name, says, 'You don't give up. You never give up, because a handful of people in the beginning saved this country.' "



Guest Speaker. Above: best selling author and radio and TV commentator Studs Terkel gave a wonderful talk at the Saturday night banquet.



Solidarity. Above: somehow the words to **Solidarity Forever** never grow old. "When the union's inspiration through the workers blood shall run, there can be no power greater anywhere beneath the sun. Yet what force on earth is weaker than the feeble strength of one? But the union makes us strong."



Democratic Procedures. Left: TDU Co-chair Bilal Chaka closes the final session of the Convention.

The Convention elected a new TDU International Steering Committee for the year. Fifteen Committee members and 3 alternates were elected by secret ballot after 24 candidates were nominated by TDU chapters from around the country. The Steering Committee meets bi-monthly and is the highest body of TDU nationally between Conventions, overseeing TDU policy, campaigns, and the staff at TDU's three offices.

Front row (left to right): Sam Fenn, Local 63, Long Beach, Cal. (alternate); Pete Camarata, Local 299, Detroit; Linda Gregg, Local 435, Denver; Mike Friedman, Local 407, Cleveland; Mike Belzer, Local 705, Chicago; Cliff Coonley, Local 600, St. Louis; Maralee Smith, Local 142, Gary, In.; Brian Elliot, Local 966, New York City; Jim Wardell, Local 710, Galesburg, Ill. Back Row (left to right): John O'Brien, Local 445, Highland, New York (alternate); Konstantine Petros, Local 20, Toledo; Emil Abate, Local 853, Oakland, Cal.; Doug Allan, Local 208, Los Angeles; Manuel Diaz, Local 679, San Jose, Cal.; Ken Paff, Local 407, Detroit; John Braxton, Local 623, Philadelphia; Barbara Boriotti, Local 804, New York City. Absent from photo: Kyle Ray, Local 413, Columbus, Ohio (alternate.)

Recognition for Dedication. Above: TDU member Gary Wade receives a special award from TDU Organizer Ken Paff for his service to the rank and file movement. Awards were given to many chapters and individuals for their outstanding contributions.

"I Want More Letters. I Want More Suspensions. I Want More Discharges."

Roadway Memo Orders Harassment

D.J. Sullivan, Southern District Manager for Roadway Express, has a problem. In a secret memo to supervisors in his district he berates management for not "taking on labor" by lettering, suspending and firing workers for production.

Sullivan's memo criticizes management for failing to fire people over productivity, stating, "Gentlemen, I'm tired of requesting. I'm tired of trying to show you the importance of taking on labor. It sure appears that many of you don't have the b...s you were born with and are not willing to take on the labor (sic), which is 50% of your job. I demand that you take an active part in labor and in the discipline of that labor."

Memo No Surprise

Roadway workers who have been subject to extreme harassment over productivity won't be surprised by this memo. A year ago, many cases were brought before JAC's making a direct link between discipline and productivity. In all cases, they were ruled to be "improper before the committee."

This memo makes perfectly clear what management's up to. Sullivan blatantly states in it that, "Serious consequences will arise for those who fail to suspend and discharge those employees who are not giving 110% for Roadway Express. I want more letters. I want more suspensions. And I want more discharges. I want them now and I want them every period from now on."

Counselling sessions are an important part of management's plan to intimidate workers. Sullivan makes clear what management is to do during those "counselling sessions." "We are not putting enough heat on employees during counselling. From now on I want management to lay it on the line, telling the employee point blank that he will take their job from them if they don't improve. Turn the screws on and make it hurt those employees that are not working."

In another memo dealing with the problem of BA's walking around the dock to enforce the contract, Sullivan made suggestions on how to handle these "obnoxious s.o.b.'s." He said, "Take the agent aside and talk to him privately to give him the facts of life. I'll guarantee you that in 99% of the cases the problem will be over."

Perhaps it's about time our representatives started giving the "facts of life" to obnoxious s.o.b.'s on the other side of the fence and put an end to the blatant contract violations being allowed at Roadway Express. The upcoming contract would be a perfect place to start.

Presser Stung

continued from page 1

union halls, by majority rule, but they are guaranteed that they will get any contract at least three days before a meeting is held to vote on it. These are good union principles, not "interference."

• *The lawsuit cost the union $180,000.* Presser says $80,000 of that went to legal fees. But the attorney who represented Presser is on the union payroll already, and should have needed no extra fees at all! And he says $100,000 went to conduct a second ballot to all UPS employees.

Aside from the exaggeration involved, let's look at this. $100,000 to safeguard democracy. Well, we pay Presser over $500,000 a year. To be exact, $512,386 in 1983. And we pay millions to special pension funds that he will collect from. And we have to pay "ghost employees" that he gives union funds to. Two of them have been convicted already. And we pay for private luxury jets to fly Presser around. This man is talking about wasting our union funds? This is like Howard Hughes applying for food stamps.

The bottom line is this: if Presser had not violated the rights of the members and federal law, there would have been no need for a second vote. So it was the violator who wasted the $100,000, not the good Teamster members who took him to court.

Presser's claim that he will somehow get $180,000 from us is pure nonsense, and he has even started the rumor that he is suing us. There is nothing to it.

• *TDU's legal expenses came from some "outsiders."* We keep our costs to a bare minimum, and the rank and file paid them. Our staff attorney worked hard on the case, and got other good labor attorneys to donate help. The plaintiffs and witnesses missed work and donated their time and travel to stand up for the members' rights.

We would like to thank all those UPS Teamsters who made donations, and the Teamsters at the TDU Convention last month who alone donated $15,000.

• *"Only four people (the plaintiffs) cared about Presser's violation of the law and the members' rights.* This is another lie and he knows it. Hundreds of members called the TDU office to request this legal action. Many local officials thanked us for it. In fact, some heads of major locals made their views on Presser's illegal tactics public.

For example: the secretary-treasurer of Hartford Local 671 stated: "It (the secret deal) was done by four people in a phone booth. We have never done things this way." The president of New York City Local 804 called it a "sneak attack" on the members. The secretary-treasurer of California Bay Area Local 315 was quoted in a national magazine, after the victory in the lawsuit: "He's been given the message that (the) rank and file doesn't condone this kind of negotiating." Many other locals sent letters or telegrams of protest to Presser. So he knows very well this was not a suit by four people alone.

Thousands of members, and many locals as well, were upset about the undemocratic tactics that were used. But only one organization exists to protect the members' rights through positive action. Without TDU, there would have been plenty of griping and grumbling. With TDU, there was effective action which led to a valuable precedent.

• *The UPS contract passed, so that proves the members follow Presser's leadership, and that TDU was wrong in the lawsuit.* But the lawsuit had nothing to do with the merits of the contract. TDU predicted—and this was in the media—that the contract would likely pass. The lawsuit guaranteed the right of a fair vote.

If Jackie Presser wants a vote on his leadership, there is a simple way to get it—support our campaign for the *right to vote for the president of our union.*

We in TDU are proud of protecting the members' right to a fair contract vote. Each member decides how to vote. That's democracy and we respect it whether we like the outcome or not. That's what Jackie Presser cannot understand.

Note: This is our response to Jackie Presser's press release on the UPS contract, pages 16-18 of the November Teamster Magazine. We urge you to read the article, then you be the judge.

CF Guidelines Are Thrown Out, Brokers Continue

On November 5, the word went out to all locals that the prior guidelines regarding the use of owner operators to divert work from line haul drivers under the NMFA had been rescinded. The statement was signed by Walter Shea for the union and Arthur H. Bunte, Jr. for TMI, the employers.

The specific case (N-8-84-E5) was decided in August, giving the green light to the unlimited use of brokers by CF. Since then other carriers, including Roadway, ABF, ANR and others, have begun to get into the act, though not on the nationwide scale of CF.

Widespread protest by members and locals forced the new decision, which states "that the Committee interpretation has not resulted in the mutual satisfaction of all parties." This is one of the greatest understatements of the year, since CF drivers got no "satisfaction" whatsoever from the job giveaway.

Unfortunately, the new decision has not slowed the use of brokers by CF or others, a check in mid-November showed. Certain union officials, including Don West, Southern Conference freight director and new VP appointed by Presser, have openly admitted they don't intend to stop CF's diversion of union jobs! Meanwhile some locals are urging people to file for runaround pay now.

We urge all Teamsters to keep up the pressure on this vital issue. We should all agree that no new contract should be ratified until this problem of job-theft by large, profit-hungry carriers is solved to the satisfaction of the rank and file. And our local officials should convey that clear and strong message to Presser and Shea.

Freight Lines

Smith's Takes "Snap Out of Bloomers."

Smith's Transfer, like many carriers, diverts some road runs by using city drivers on weekends, in this case out of Erie, Pennsylvania. Columbus, Ohio road drivers lose work. An interesting management attitude toward the city drivers fell into our hands via a copy of a management teletype from Erie to central dispatch: "You know, this road business is becoming quite a pain in the butt. You have to beg and baby these guys like you wouldn't believe, what these money hungry mothers need is a year or so on the unemployment line. This would take some of the snap out of their bloomers."

Nice to know management appreciates these city men they are using to deprive others of work. We suggest most of the snap is in management bloomers, and the coming contract should put in *job protection* to end these schemes.

Roadway Eliminating Coffee Breaks.

Roadway Express has gone so far as to try to eliminate all past practices, including coffee breaks by drivers and dockworkers. In *Toledo, Ohio* Roadway requested relief on October 12 under Article 6 of the NMFA from all coffee breaks. They claim they could save $317,056 per year at this large breakbulk station if they eliminated the two 15 minute breaks per day, and also wash-up time on the dock.

In *San Antonio, Texas* they are trying to eliminate *all* past practices, including coffee breaks, by another method. It is the "two-tier" approach. They have posted a notice stating that any employee who gains seniority after October 22, 1984, will have no past practices at all.

In both these cases the stewards are grieving or fighting the matter. But Roadway, win or lose on these, keeps trying to whittle away union conditions.

Toledo dock steward Konstantine Petros commented that, "Roadway made $100,000,000 in profits last year, and in June we were told our district was #1 in productivity. We were also told the Toledo breakbulk had jumped from twentieth up to fourth or fifth. Now the thanks from management is to take away our coffee breaks. This should be a lesson to anyone who thinks that going along with management will cause them to be nice to you. They will just take advantage of you."

Special Freight Contract Bulletin

November 1984

Teamsters for a Democratic Union, Box 10128, Detroit, MI 48210 (313) 842-2600

1985 NMFA: WILL LARGEST IBT CONTRACT SURVIVE?

Negotiations on the National Master Freight Agreement are coming up fast and many members do not know what to expect. What they do know is that more carriers have pulled out of the employers bargaining arm, Trucking Management Inc. (TMI), than did in 1982. They also know that Jackie Presser, the man responsible for the relief rider last year, is in charge for the union. And this has them worried or scared.

This contract bulletin has been written to inform Teamster members on the contract, both on what is happening and what we can do about it.

A Turning Point

This is no ordinary contract. It's not just a matter of how much of a raise we will get, or if we get another holiday. It is a matter of **will the largest Teamster contract survive?** The future of our union is on the line because this contract not only covers 200,000 freight Teamsters, it also affects thousands of other working Teamsters.

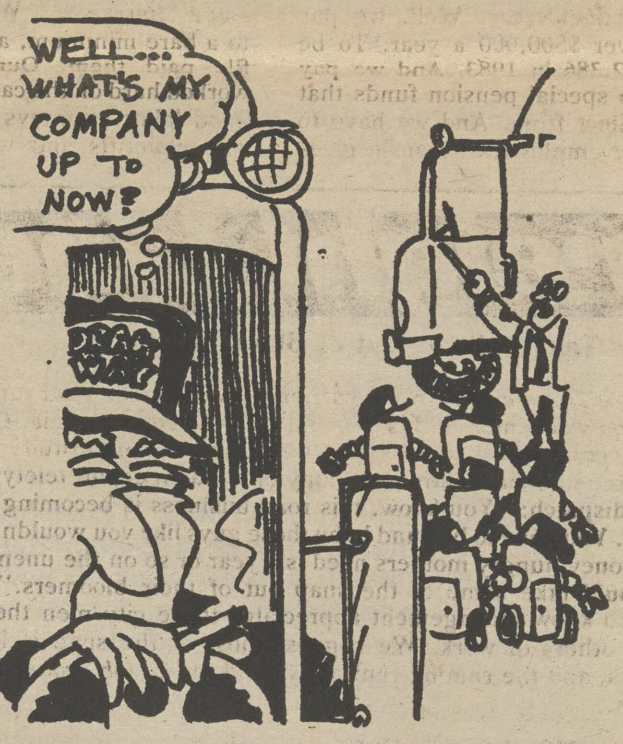
For example many Teamster contracts have their pension and health and welfare benefits directly set by the NMFA, and many contracts are closely patterned after it. If the biggest contract can be busted, you can bet that other Teamster employers will line up for their turn.

But it doesn't have to be that way. A united rank and file can hold the line and make gains, as we showed with the relief rider of 1983. But before we do anything we have to be informed.

EMPLOYERS ARE LINING UP

Trucking Management Inc. now represents only 29 carriers. These are mainly the largest, employing roughly 100,000 Teamsters—over half of the total NMFA. The "big four" (Roadway, Yellow, Ryder/PIE and CF) now control TMI through a weighted vote system. Under this system one vote is given for every 500 Teamsters employed. There are roughly 55,000 Teamsters at these four companies.

Smaller carriers are waiting on the sidelines, holding off to see what they can get from Presser. Hal Franke of OK Trucking called a meeting of 55 medium sized companies along these lines.



These companies do not want to take on the union over the contract, but would rather wait and see what the union will do. Can they get an extra concession? What will Presser serve up to them?

It is crucial for members to realize that just because a company pulls out of TMI **does not** mean it is out of the NMFA. The union cannot tell an employer who to choose as a representative, but it can insist on preserving a national contract. Once an agreement is signed with the large carriers of TMI, the small companies would not be in a strong position to challenge the union directly.

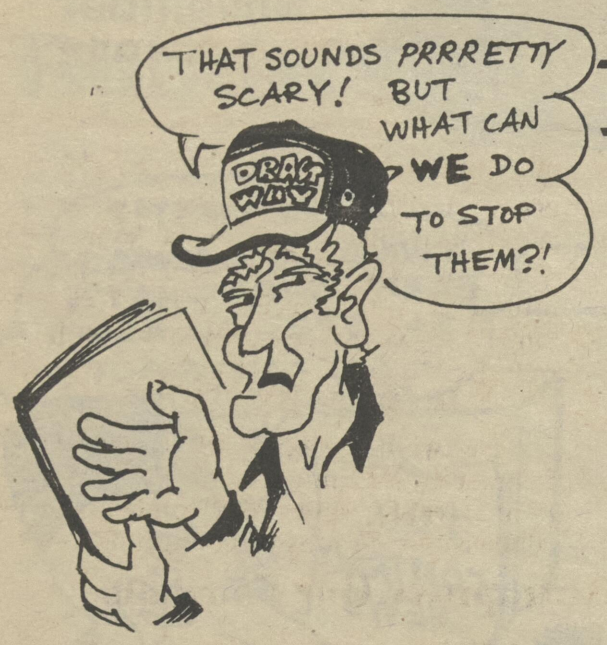
This is important because maintaining a national contract, which is our only bargaining strength, depends on members understanding that it is both possible and vital to the future.

WHAT ARE THEY AFTER?

TMI has watched closely the deal that Presser cut with UPS. No doubt they like the idea of giving a small wage increase in exchange for keeping the rest of the store. Next April 1 a cost of living payment is due under the NMFA, and most likely will be similar to last year's 35c. Except this year we suspect that it will not be diverted to the benefit funds, but instead offered up as "new money" as bait to the members. Other small wage hikes could be offered up also—UPS employees were given $1.68 over three years. TMI is planning on getting off cheaper than this.

The potential hook in the bait is that the employers will keep the cost of living clause they stole in 1982, and then try to get even more concessions on top of it. Perhaps a warmed over version of the relief rider with a new version of the "two-tier" contract where new hires are brought in at a lower scale to drive down the wages of all Teamsters.

Some companies have already tried to get special deals on new hires, and all members will have to be on guard to prevent them from getting in the 1985 contract.



MEMBERS HAVE THE POWER

For good reasons the employers feel that they have Presser in their pocket, and that he will go along with their program. But they do have one fear—the membership.

The largest trucking analyst firm in the nation prepared a report on the contract and noted that it will be harder to get the membership's approval than Presser's. They found this out on the relief rider. This is why TMI is spending time and money softening up the members, and why they have started publishing the "Trucker's Digest" to scare and divide the members. This is also why we find an increased defiance by the employers right now.

Unfortunately, they have learned a lesson that many Teamster members have not—that the members have power when they are informed and organized. It's our job to go out and convince our fellow members that this is no time to be playing dead. This bulletin is a first step in that direction. It's up to all concerned Teamsters to inform themselves and other members. If we unite nationally we can make a difference on this contract. Isn't it time we learned the lessons that the employers already have?

LARGE CARRIERS ARE STEALING JOBS

There is a dangerous split among NMFA Teamsters and the employers are taking advantage of it. Not dealing with it now in a positive way could mean lost conditions for years to come.

A little over half of us work for large profitable freightlines, while the rest work for smaller companies, some of them in danger of folding. Presser has used this situation as an excuse for giving more concessions, such as the relief rider last year. **But in reality most of the big concessions have gone to the companies that need them the least—the big corporations that are driving smaller freightlines out of business.**

What are these concessions, many of which have cost thousands of jobs? Take a look:

- The use of non-union leasors and rail operations to steal road jobs. CF is the biggest offender, but now Roadway, ANR and others are getting into the act.
- Inhuman dispatch rules which cost jobs as well as threatening the driver's safety and ruining family life. Yellow is imposing worse rules right now at major terminals.
- Production harassment. Ask McLean and Roadway employees, especially at the breakbulks.
- Changes of operations that steal jobs and destroy seniority.
- Using "double-breasting" to operate non-union divisions. Ryder/PIE, Roadway, Leaseway—they've all stolen jobs by this trick.
- Unlimited use of casuals to avoid hiring fulltime employees.

This is not a complete list. These are concessions that have cost Teamsters jobs and dignity.

Look over that list again. The vast bulk of these concessions have gone to the largest companies! These are the same companies that are driving other carriers out of business, and also the ones that can well afford to treat their employees fairly.

For example, let's look at the notoriously anti-union employer, Central Transport. This is the company that operates numerous non-union terminals and divisions. Following their recent purchase of Mason & Dixon they immediately tried to bust the union there, and although this effort failed they nearly destroyed the whole company. The union has allowed Central these concessions despite the fact that Central has the second best operating ratio of any major carrier under the NMFA (second only to Roadway.)

WELL & GOOD! BUT... TOO MANY PEOPLE HAVE LOST THEIR JOBS. I'M WORRIED ABOUT THE FUTURE! HOW CAN WE STAY COMPETITIVE AND STILL GET A GOOD CONTRACT?

We say that this contract is the perfect opportunity to fight back on these issues. Double breasting, diversion of road jobs and production harassment are basically non-economic issues. A company operating legitimately will not be squeezed by giving in to demands to stop these practices. Only the greediest of the giant carriers, the ones discounting to drive other companies out of business, will object to them.

By fighting for these issues we will enhance our job security and bring back the jobs lost to non-union operations. We will also help stabilize a situation where our union has helped the giants drive more union companies out of business.

TDU WON RIGHT TO FAIR VOTE ON CONTRACT

On September 19, 1984 all Teamsters covered by the NMFA won an important protection on contract voting procedures. On that day Federal Judge William Bryant ruled that Jackie Presser acted illegally when he used a "quickie ballot" on 90,000 UPS Teamsters. The federal court impounded the ballots and a new vote was conducted two weeks later on the contract offer.

As the judge stated in his decision, "The court must conclude that the judgement of the union leadership (Presser) was not 'fair and reasonable' and that the plaintiffs were denied their right to an informed and meaningful vote."

This means that a whole new protection against dirty tricks on the NMFA contract vote has been won by TDU. In the UPS deal Presser kept the terms of the deal secret until the ballots were printed up and ready to mail. This left no real time to debate the pros and cons of the proposed deal before the ballots went out.

You can bet that if Presser got away with this trick on UPS Teamsters, he would have used it on freight Teamsters next. But now it has been ruled illegal.

But this doesn't guarantee us a decent contract, just a fair and meaningful vote on the contract offer. This is a valuable right—look how important it was in stopping the relief rider last year.

Now it's up to us, rank and file Teamsters who care about our future, to make use of our rights and insist on a decent contract.

PROPOSALS TO SAVE THE NMFA

Job Security

• **Strengthen Article 32 and enforce it.** Stop all diversion of work to brokers. Stop double breasting.

• **Curtail use of casuals.** Strong language limiting the use of casuals and requiring hiring instead.

• **Voluntary overtime.** To provide more jobs give road drivers the option of working less than the legal maximum, such as voluntary dispatch after 40 hours worked. Curtail "babysitting the phone." Voluntary overtime for city and dock and no overtime when employees are on layoff.

• **Stop production harassment.** Eliminate warning letters for petty harassment. Require local union endorsement for work rule changes.

• **Innocent until proven guilty.** The problem of contract enforcement must be dealt with. Burden of proof should be on the employer to stop harassment and protect jobs. No rewriting of the contract in grievance and change of operations hearings.

• **Increase time off benefits** to provide jobs and better conditions. Also, allow voluntary layoffs in seniority order from the top.

• **Preferential job hiring list for Teamsters.** Create a preferential hiring list in each area, consisting of employees of companies which have ceased operations dovetailed in seniority order. Add contract language to require employers to hire off the top of this list. Protect our unemployed Teamsters.

Restore Cost of Living

• **Restore Article 33 as it was prior to the 1982 concessions.** (Added to wages semi-annually with a ".3" formula.) This is a minimum demand. The United Auto Workers and other unions have clauses far superior to this. We also need some modest wage increases to make up for losses to inflation. A three year wage freeze was long. A six year freeze would be intolerable.

No More Concessions

• **No two-tier wage scale ("second class" Teamsters.)** Eliminate the 70% wages in Pennsylvania and Maryland. No more concessions on jobs or conditions.

Improve Our Pensions

• **Major pension increases.** Most funds have had no increase in six years. Increase employer contributions to provide a major increase. A pension of $1,200 at age 60 or with 30 years service can be obtained and will provide more jobs due to retirement of older Teamsters.

PLAN OF ACTION FOR FREIGHT TEAMSTERS

If you agree that it's worth fighting for a decent contract and saving the Master Freight Agreement, there are several things you can do to begin building a united rank and file effort to make it happen:

1) **Be Informed and Inform Others:** Distribute **Convoy Dispatch** and this Contract Bulletin to your fellow Teamsters. Make sure that you are on the list to receive future bulletins.

2) **Attend Your Local Meetings:** We must begin **now** to bring discussion to our local union halls on this crucial contract. Be prepared to speak out with others on the contract. It's your right to bring up this discussion. We can't wait until the actual contract meetings for this to happen.

3) **Hold Informal Meetings at Your Barn:** Build up an informed membership at your workplace. Let your brothers and sisters know that we can make a difference.

4) **Join TDU Today**

RESOLUTION September 21, 1984

THAT THE FOLLOWING CONTRACT PROPOSALS BE SUBMITTED BY LOCAL 407 OFFICERS AND AGENTS:

1. Immediate wage and mileage increases equal to the amount of COLS that has been applied to H & W and/or pension funds
2. COLA increases every six (6) months applied to Hourly and/or mileages only.
3. Double time for all hours after ten (10) hours per day.
4. Dove-tail seniority rights in all buy outs and mergers.
5. Laid off employees to be given first hire rights at any company under N.M.F.A.
6. Final step of grievance procedure to be at state panels.
7. There will be no disciplinary action taken, or loss of time including discharge for any member prior to the grievance procedure and final outcome of same.
8. Suitable increases to the H & W Fund to maintain current level of benefits,and suitable increases to the Pension Fundto provide greater benefits under the pension for thirty (30) and out, at any age.
9. COLA clause in contract to provide increases to retired teamsters semi-annually.
10. Stewards to be compensated by individual company for time spent processing grievances and attending any grievance panel hearing.
11. Road drivers NOT to perform any city work.

C. SAM THEODUS PRESIDENT
JOE LAWLER SECRETARY-TREASURER
JOHN TANSKI VICE PRESIDENT
BILL CASSIDY BUSINESS REP
ART MAJEWSKI BUSINESS REP
RICHARD SANZO BUSINESS REP

Get Your Local Behind a Good Contract. Here is what the officers and BAs of Cleveland Local 407 have sent to the negotiating committee. The membership of Local 407 passed a motion supporting this good program for the contract. Your local can do the same.

Teamsters for a Democratic Union is the national organization working for a stronger and more democratic union. We are all Teamster members, from coast to coast, dedicated to the idea that our union **can** work for all members. If you agree, join today.

_____ YES, I want to join TDU (Use coupon at right.)
_____ YES, I want to receive future contract bulletins.
_____ YES, I would like a monthly bundle of **Convoy Dispatch**:
☐ 100—$9 ☐ 50—$5 ☐ 20—$4 ☐ 10—$3
_____ YES, I would like a meeting in my area.
_____ YES, I have ideas on the freight contract. (Please attach sheet.)
_____ YES, I would like _____ more copies of this bulletin.
_____ YES, I will donate to help build a campaign for a decent contract.
☐ $25 ☐ $15 ☐ $10 ☐ $5 ☐ Other_____

JOIN TDU!

Name_____ Local #_____
Address _____
City_____ State_____ Zip_____
Phone (___)_____ Company _____
Area Code
City☐ Road☐ Dock☐ Other_____
☐ $25 membership fee—for one year's membership and subscription to **CONVOY DISPATCH.** ($5 of this shall be rebated to the local chapter.)
☐ $60 three year membership fee. ($10 of this shall be rebated to the local chapter.)
☐ $15 annual dues for spouses, retirees, and Teamsters who gross less than $12,000 a year.
Return to: TDU, P.O. Box 10128, Detroit, Michigan 48210
(TDU membership is kept strictly confidential)

A CHALLENGE TO LOCAL OFFICERS

In this contract bulletin we outline some positive steps that can be taken for the upcoming NMFA. These are programs that would help unite Teamsters at the large carriers with those at the small outfits. Programs aimed at jobs and job security, and at targetting the big violators on issues like double breasting and brokers. And we propose a firm stand against further concessions and a two-tier deal like the relief rider.

Many of our local officers know how serious this contract situation is, and many are aware that Jackie Presser cannot be counted on.

So the challenge is there to local officers who care about the future of this union to do something about this contract. To support the ideas we propose, or come up with a constructive alternative.

But please, we ask one thing—don't sit back and tell us your "hands are tied." This is a time when leadership and courage are urgently needed. We don't expect that any local can singlehandedly turn this contract around. But we do expect local officers who were elected to lead and to defend our union and our contract, to stand up and be counted. And if a number of them do that, we will be in a much stronger position. We believe that plenty of rank and file Teamsters are hungry for just that kind of leadership.

Profits Up in 1984

Company	Revenue		Operating Ratio		Profit	
	1983	1984	1983	1984	1983	1984
ABF	172 mil.	**184 mil.**	99.56	**96.59**	-1.1mil.	**2.5 mil.**
American Freight	131 mil.	**146 mil.**	96.75	**97.84**	2.4 mil.	**1.9 mil.**
ATL	99 mil.	**96 mil.**	99.04	**102.79**	-1.8 mil.	**-5.1 mil.**
Carolina	145 mil.	**167 mil.**	93.11	**93.59**	4.8 mil.	**5.5 mil.**
Central Transport	96 mil.	**135 mil.**	91.95	**94.56**	7.5 mil.	**7.1 mil.**
CF	544 mil.	**616 mil.**	91.98	**92.60**	23.5 mil.	**28.0 mil.**
Churchill	34 mil.	**42 mil.**	92.85	**91.61**	1.4 mil.	**2.1 mil.**
Garrett	82 mil.	**85 mil.**	95.15	**97.78**	3.6 mil.	**667,000**
Holland Motor Express	33 mil.	**45 mil.**	90.13	**88.92**	1.9 mil.	**3.0 mil.**
Jones Transfer	28 mil.	**34 mil.**	92.23	**89.17**	1.8 mil.	**2.2 mil.**
New Penn	26 mil.	**31 mil.**	83.54	**83.67**	2.5 mil.	**3.1 mil.**
Northwest Transport	31 mil.	**38 mil.**	89.59	**89.27**	1.8 mil.	**2.0 mil.**
OK Trucking	14.5 mil.	**15.4 mil.**	97.95	**98.42**	71,000	**134,000**
Pilot	90 mil.	**106 mil.**	104.04	**106.05**	-4.4 mil.	**-7.3 mil.**
Preston	127 mil.	**142 mil.**	95.14	**97.01**	3.4 mil.	**3.8 mil.**
Red Star	47 mil.	**49 mil.**	89.00	**92.27**	2.0 mil.	**1.1 mil.**
Roadway	554 mil.	**636 mil.**	90.12	**90.68**	42.0 mil.	**43.1 mil.**
Ryder/PIE	326 mil.	**469 mil.**	95.52	**98.57**	6.7 mil.	**546,000**
Smith's Transfer	155 mil.	**166 mil.**	97.19	**97.73**	2.8 mil.	**2.3 mil.**
St. Johnsbury	90 mil.	**102 mil.**	94.24	**96.04**	2.1 mil.	**2.3 mil.**
System 99	32 mil.	**35 mil.**	96.72	**99.97**	78,000	**-628,000**
Transcon	133 mil.	**154 mil.**	100.06	**95.07**	-1.5 mil.	**2.5 mil.**
Yellow	500 mil.	**645 mil.**	93.25	**95.32**	20.3 mil.	**19.3 mil.**

Profits high in 1984. For practically all the large carriers 1984 was an excellent year. Listed here are revenue, operating ratio and net profit after taxes for the first six months of 1984, compared to the same period in 1983. The chart includes the largest carriers as well as some smaller regional lines. Figures for some companies, including McLean, are not available yet.

October's **CD** published full year 1983 figures for the 19 largest employers under the NMFA and noted that most of the largest had **a record** profit year. The profits are still climbing in 1984 as the companies continue to gobble up the business of smaller companies and get unauthorized relief from the IBT in the form of diversion of work to brokers, changes in dispatch rules and productivity harassment.

Source: American Trucking Association's **Financial and Operating Statistics.** Copies of your companies full statistics will be supplied upon request.

ORGANIZING

"Teamster chief Jackie Presser, trying to rid the union of that image (of truck drivers) refused to pose with a truck-trailer rig for a magazine cover."

From the front page of the
Wall Street Journal,
October 9, 1884.

In the long run, the answer to our union's problems in the trucking industry lies in **organizing**. Organizing scab outfits like Overnite and Viking, ending the double breasted scab companies that some big union carriers operate, organizing the little cartage companies that have sprung up in most areas, and even organizing owner operators.

While many locals do make some effort in this field, it will take a national program to provide the backing, the coordination and the bucks to make it work. And it will take leadership. If you read the comment above regarding our present union president, you know that we will need some changes at the top to make such a program a reality.

Our union president likes to say that freight is only 10% of the union. But much more of our union is in related trucking fields. All the UPS workers, carhaulers, tank line haulers, furniture haulers, food and grocery haulers, construction Teamsters who drive mixers and dumps, delivery and retail drivers, and the rest. Taken together, this is by far the largest part of our union. And the freight contract is the pattern setter for these Teamsters.

So organizing is the long run answer, organizing and developing more area contracts. A good start in this present NMFA is the demand to clamp down on double breasting and subcontracting.

SURVEY A SHAM

The contract survey mailed out by the International recently is a disaster. The first part is the standard one (which do you want most, wages, pension, etc.), but page two is on "job security." Here is the disaster, which had to be written by the employers. It has seven choices, six of which are concessions! The employers would surely check "strongly in favor" with all six.

The only other choice is "no concessions," which is fine as far as it goes. But there are no positive job security programs. No crackdown on double breasting.

In short, there is **no proposal** out of seven choices to do anything about job job security except...**more concessions.** All our concessions so far have not saved jobs. We think it's time for a change to a winning stategy.

NEGOTIATIONS TO START

On December 4, 1984, all affected locals will send two representatives to a meeting on the NMFA in Arlington, Virginia.

This meeting should not just be a union-paid outing, but an opportunity to convey membership concerns to the International. Members should encourage your local officers to do just that.

Official Count: 44,337 to 18,989

Why Was UPS Contract Ratified?

The results of the UPS contract vote have been released by the International Union, and now it's important that we understand what happened and learn what we can do to improve our contract in the future.

From the start TDU has stressed *organization and leadership*, both locally and nationally. The results bear this out, as the list of local union vote counts below shows. Where the level of organization is high so is the no vote, where it is low the contract passed.

One major stumbling block in this contract vote was the role played by many local officers. While a few local officials gave lip service to opposing the contract only a very few, like Ron Carey of Local 804 in New York City, worked hard to turn out no votes and educate members.

Another thing about this contract is that both management and Presser know our strength. This is why the contract was negotiated secretly, nine months early. This was done to cut the time short that we needed to build our strength and educate more members.

Presser admitted our strength in court when his attorney openly stated that the bonus and raise are in this contract because of dissatisfaction and organized opposition on the part of the members.

Another painful lesson was that they also knew how to use part-timers, especially the new $8 and $9 an hour employees. This is the real secret behind why there was a bonus instead of a 14c. additional raise. ($1,000 bonus is equal to 14c. an hour over three years.) The company knew that the bonus would be a good trick to buy some votes, especially for the underpaid people who see no long term future at the company.

It shouldn't be forgotten that opposition was very strong, and the fact that we had a chance to overturn the contract at all is an indication of growing strength.

But to prevent another contract sellout in the future we are going to have to spread to the areas where we are weak and unorganized, and continue to build a strong national network of concerned UPS Teamsters.

Ron Mullis
Local 728
Augusta, Georgia

"Even though the contract has been ratified we need to work harder and keep building for the future. If we do, I believe there will be a brighter future for UPS Teamsters. Here in Georgia we are doing everything we can to help build a strong TDU Chapter in the Atlanta area."

photo by Bob Gumpert

Time Will be Test of Contract Deal

Following the ballot counting Presser announced that since the UPS contract extension passed this showed that all UPS workers overwhelmingly support him and his leadership. He also bragged that this was a defeat for TDU. We feel that it is important to cut through the hype and the bragging and examine what really happened with this contract. Here are some points to consider:

• *Who was defeated here?* Not TDU. In court the International Union admitted that rank and file pressure forced the reopening of the agreement to get the bonus and the raise. IBT attorney Robert Baptiste pointed to *Convoy Dispatch* and the role that we played in educating and organizing people around the issue of the COLA. This was our first victory.

• *Who took on Presser in court and won?* TDU attorneys and members went to court to protect the members' right to a fair contract vote. Stopping Presser's behind-the-back deal is a major victory that will protect us against such tricks for years to come. This was our second victory.

• *How come many locals voted it down?* In locals where there was strong TDU activity, rank and file organization and the opposition of the officials, the contract was defeated. We didn't have enough strength to win better conditions in the contract, restore the COLA and equal pay for equal work but we did grow in strength. We have gained hundreds of new members, and broken into new locals. We will build on this strength for two years down the road.

• *How about a real referendum on Presser's leadership?* If Presser is so sure of his support then why not let the members *vote* on who they want to be their union president?

• *Then why did people vote yes?* Members from coast to coast have pointed out to us that many of their co-workers voted yes simply because they felt that they could expect nothing better from the International Union. The sad fact is that *no leadership* is expected from Presser and this hopelessness leaves members feeling that nothing can be done.

The real loser here is the strength of the union itself, and the future that all UPS workers can expect. Time will be the real test of this contract. Meanwhile, TDU will continue to be at the forefront of keeping UPS Teamsters informed, and providing real leadership and organization so that in 1987 we will have a chance to get a contract we can all be proud of.

What the Vote Count Shows:

Some Locals Defeated Pact

The totals from these 18 locals (those in bold face are locals which voted no) are the figures which we have at this time. Members should demand to know how their local voted. This list shows that the figures are available—the ballots from every local were separated and tabulated separately. Knowing these vote counts shows us that:

• Where UPS employees have joined TDU and gotten organized, the contract was voted down, usually by a large margin.

This is true even where local officers campaigned for Presser's deal. In Oakland, California officials of Local 70 called it a "miracle." But due to rank and file leadership and organization it was voted down heavily.

• Where local officers spoke out in opposition along with active members, the extension was clobbered. For example Local 671 in Hartford, Connecticut and New York Local 804.

• But where members are not yet organized, or are just getting started with TDU (as in Atlanta) the contract passed because the rank and file only heard one side of the story.

We have to keep in mind that UPS workers in New York (Local 804) are no different than UPS workers in Los Angeles (Local 396), yet they voted no in New York and yes in L.A. Why? The difference is organization. L.A. TDU has not yet built a chapter of UPS Teamsters to work together and provide an alternative voice to that of the company and Presser.

Further, in L.A. the local is headed by Frank Matula (who once had to get a furlough from prison to audit our union's books!) who helped the company sell the deal.

In the areas like L.A. we need to build groups of UPS Teamsters working together, linked in to the national UPS/TDU Network, and we also have to consider replacing those officers who will not stand up for the members.

Our work is cut out for us in the next years. The fact that in the 18 locals we know of we won in 7 of them (often by big margins) shows that we are on the right track.

Our goal is to double our strength in the next two years, so that in a majority of hubs, centers and locals we are prepared to counter the company propaganda, just as we successfully did in many locals this time.

Local Union Vote Counts

City/State	Local	Yes	No
New York City	**804**	**667**	**2,160**
Oakland, Cal.	**70**	**174**	**297**
Stockton, Cal.	**439**	**43**	**55**
Hartford, Conn.	**671**	**71**	**381**
Sacramento, Cal.	**150**	**139**	**151**
Worcester, Mass.	**170**	**197**	**335**
Oakland, Cal.	**78**	**1**	**2**
Toledo & N.W. Ohio	20	323	262
Cincinnati, Ohio	100	340	148
Georgia (entire state)	728	1,035	355
Illinois & Indiana	710	2,473	689
Chicago, Ill.	705	2,173	609
Kansas City, Mo.	41	580	195
Charlotte, N.C.	71	281	240
Dallas, Texas	767	734	118
Los Angeles	396	1,711	413
Southern Cal.	63	153	83
Northern New Jersey	177	1,886	633

Oklahoma Drivers Fight Safety Hazard

UPS Refuses to Act on Unsafe Tires

UPS package car drivers out of the Enid, Oklahoma center are scared. They're scared because management has equipped the P-500's with a new tire, the Michelin 8R19.5XZA. The change was made from a 16.5 inch tire that was previously used. Raising the center of gravity by 3 inches was enough to cause problems, but management is now insisting that the new tire be inflated to 90 PSI. The manufacturer recommends that the PSI not exceed 50 on the P-500's.

The fear quickly turned to anger as the first accident occurred on a day that the pavement was wet. In the police report, Deputy Sheriff Dean Bellin advised the driver that there was too much air in the tires to get good traction, and recommended that a wider tire with less air be used to make the vehicle safe for the road.

Complaints were then made to the center manager and the district informing them of poor road performance with the new tire. Enid management replied that they had driven the truck with no problems and the district informed the drivers that, "You know UPS would never put a car on the road that wasn't safe."

Three drivers have since reported losing control of the trucks equipped with the new tire and spinning off the road. One of these spinouts resulted in damage to the truck and the driver has been charged with an accident.

As a compromise, it was recommended by the drivers that they reduce the tire pressure to 45-50 PSI. Management responded that drivers caught lowering the tire pressure would be disciplined.

Word from district management then came down that there had been extensive testing done at, among other places, Ford Motor Co. When calls were made to Ford Motor Testing divisions, representatives of Ford claimed that no tests had been made and, furthermore, that raising the center of gravity by 3 inches with the new tires was "incredible."

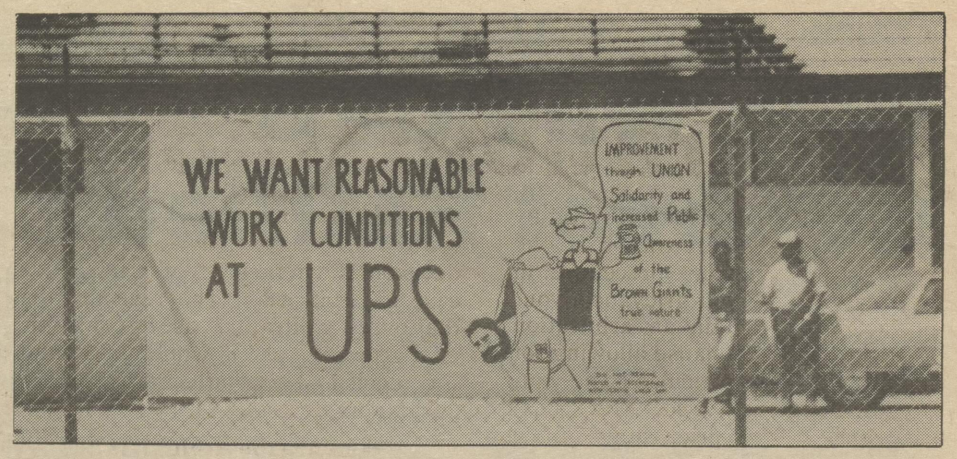
Further checks with Michelin, in the Michelin Inflation Guide, reveal that the lightest axle weight on the chart for the tire in question is *4,710 lbs.* There is little chance that any P-500 in the Enid center would ever have that kind of rear axle weight—and even if they did, the recommended tire pressure is 55 PSI.

The inevitable has now occurred. A driver in Edmond, Oklahoma ran off the road and hit a tree. The truck was destroyed and the driver was seriously injured.

A group grievance has been filed and hopefully the union will take some action on it.

John Kennedy, Local 886 member and package car driver from the Enid center, said, "I don't for a minute believe the company's story about every other center liking this conversion, and thinking that handling has improved. I know other drivers with these tires are surely having trouble when it rains, just as we are. I do believe that it's possible that the company isn't getting complaints from other areas because 95% of the employees of this company have been so intimidated that they're afraid to speak up, even if it means protecting their own safety."

If you are having trouble with the Michelin 8R19.5XZA tire, or if you know of problems, please call TDU.



This sign posted on the hiring hall fence of Teamsters Local 70 in Oakland, California by rank and file UPSers represents their growing concern for the poor and steadily deteriorating working conditions in the Oakland hub where more than 1,000 Teamsters work.

Nearly 100 Rank & File Delegates

Plans Discussed at National Meeting

by Joe Bales-Henry
Steward, Local 90
Des Moines, Iowa

A delegation of nearly 100 UPS Teamsters met at the recent TDU Convention in Chicago. This was the largest delegation ever, with representatives coming from many states, including Texas, California, Washington, Florida, Tennessee, Maine and many others. Throughout the weekend these UPSers were able to meet several times to share their concerns on local and national issues, especially the contract extension offer.

The court case against the IBT was discussed at the first meeting, with the four TDU plaintiffs and the attorneys present to discuss the case. They received a standing ovation for their hard work and victory.

A plan of action was made in the event that the contract offer was rejected, a report given on the growth of the Network over the last year, and discussion held on how to keep building the national network. To oversee the network for the coming year a new UPS/TDU steering committee was chosen, made up of 14 members from coast to coast.

By the last meeting outreach and organizing plans were agreed to (including having regional meetings, revising the UPS organizing handbook, publishing bulletins and working to implement a grievance assistance network). Also discussed briefly was the expected problem of part-time drivers in the next day air operation, and it was agreed that this should be a major focus for the coming year.

Despite the expected ratification of Presser's "Sweepstakes Offer," spirits were high at the UPS meetings. This was probably due to the feeling that the strength of the UPS Network has grown, and that with some work it will keep growing over the next year.

Hang UPS News of UPS Workers

UPS Profits Up $56 Million Over 1983.

Profits after taxes for the first six months of 1984 have soared to $251 million from last year's $195 million. At this rate the company is well on the way to breaking the half billion mark during the 1984 year. For a full copy of the Securities and Exchange Commission report send $1 to TDU, Box 10128, Detroit, MI 48210.

Part-Timers' Dues Reduced in Stockton, California.

UPS part-timers at Local 439 in Stockton, California recently won a fair dues rate, and even reimbursement for the exorbitant dues rate they had been paying, thanks to TDU member Terry Toler.

Toler persistently fought for the part-timers, who were paying $28 per month in dues, but earn only $8-$9 per hour. The International Constitution calls for a monthly dues rate of not more than twice the hourly wage rate.

Local 439 Secretary-Treasurer Bob Plummer repeatedly placed responsibility with the International, but finally granted the dues reduction.

"The way Plummer was talking about the International, you'd think it was the Wizard of Oz—some great thing that nobody can approach," Toler said.

Toler didn't hesitate to write Presser when Plummer balked at his further request for reimbursement in full of the overpayment. Presser wrote Toler that Local 439 had informed him that dues would be reduced and that members would be reimbursed. Some members have received as much as $300. While other UPS locals have won a dues reduction to contract specifications, this is the first time members have also been reimbursed for their overpayment that we know of.

Cincinnati UPS Slapped with $11,200 Fine.

Citing serious and willful violations, the Occupational Safety and Health Administration has hit UPS in Cincinnati, Ohio with a total of $11,200 in fines. OSHA stated that employees were in danger of falling while trying to free package jams and that controls were inadequate for preventing the restarting of belts while workers were still on them. Other violations listed were packages being piled too high and poorly shielded equipment. Area Director for OSHA, William Murphy, stated, "We think that they can do it safely." But will they?

Sacramento Local Takes Stand On Off-Clock Searches.

In a letter to all UPS members, Sacramento Local 150 recently reported that on at least one occasion UPS had intimidated a member into letting them search his car while he was off UPS property and off the clock. The letter strongly warned that "United Parcel Service...is not the police. They have no power over you when you are off their property and outside of your working hours." Does this happen in your area? If so, remind other workers of their rights and contact TDU immediately.

No Sense of Urgency.

How much does it cost Jackie Presser to move 1,500 pounds of ballots across town? Answer: $2,493. The bulk of this went to Carl Rolnick, who gets $75 per hour, starting the moment he leaves home. His pay and expenses came to almost $1,800 for the single task of observing the ballots going from the post office to the courthouse in Washington, D.C.

Who is Carl Rolnick? He is the retired Department of Labor employee who Presser hires to supervise contract ballot counts. At $75 an hour, it's not bad for a retired civil service person. No wonder Mr. Rolnick might be a little reluctant to disagree with his boss, Mr. Presser.

—— Steward's Corner—Please Post ——

Arbitration: Know How to be Prepared

For many Teamsters not covered by national contracts, arbitration is the last step in the grievance procedure. In order to arbitrate your grievance, your contract must contain an arbitration clause, or at least a clause allowing for arbitration of the particular issue your grievance covers. Also, you must exhaust all of the prior steps in the grievance procedure before you can go to arbitration. At this point, arbitration becomes the final and binding step in the grievance procedure.

Arbitration is a voluntary agreement between the union and management to submit an unresolved conflict to a third party. Both sides agree to abide by the third party's decision. This third party, the arbitrator, has the power to order whatever remedies he thinks necessary. His decisions are recognized in a court of law, but he is restricted to following what the contract says in making these decisions.

Who Decides If Your Grievance Goes to Arbitration?

You cannot decide on your own to take your case to arbitration even if there is an arbitration clause in your contract. Your local union makes the decision of whether or not to take your case to arbitration. The reasoning is that every arbitration case is considered a grievance of the whole union and the decision will affect the entire bargaining unit, not just yourself.

Who Are the Arbitrators?

Under the most common arbitration system in the Teamsters, a single arbitrator is chosen from a list of names provided by the American Arbitration Association. The arbitrator is chosen by the company crossing a few names off the list and the union crossing off a few names until the remaining person is designated as the arbitrator for the hearing.

The arbitrators on this list are generally professionals who make their living from deciding labor cases. Few arbitrators are truck drivers or factory workers, and many don't have background at all in manual work.

Although arbitrators are supposed to be neutral, their background may lead them to carry a bias from their previous careers.

Improving Your Chances of Winning

The key to winning your arbitration is careful preparation. This includes having all material evidence ready, such as employee records, copies of past grievances, and all contract language that is relevant. Because arbitration is a skill in a sense, there are techniques which you can use to increase your chances of winning. Here are a few:

1. *Prepare Your Witnesses.* Your witnesses should be ready for questions from the union side *and* from the company's cross examination. Rehearsal is not unethical—it is expected and necessary to present a good case.

2. *Focus Your Attention on the Arbitrator.* The only important person in the room is the arbitrator. Always look at the arbitrator when you are speaking. Don't bother looking at the company advocate or even the union advocate because neither of them has the authority to decide the case.

3. *Don't Speculate—If You Don't Know an Answer, Say So.* The worst thing that can happen to you or one of your witnesses during the testimony is to have your credibility destroyed. You should not guess at an answer because as soon as you do, someone is going to detect this and call another witness who will undercut your testimony.

4. *Remember: Airtight Cases Are Based on Contract Language, Not Fairness.* The arbitrator is limited in jurisdiction to the terms of the contract. You will not win a case simply by saying and proving that what the company did was unfair and unjust. The arbitrator will not rule against the contract no matter how unfair and unjust it is.

Arbitrators also rule on *past practice* unless it contradicts the contract, and may consider other factors such as laws and safety codes. But the contract is primary.

Do You Have Any Recourse If You Lose Your Case?

If the union decides not to take your case to arbitration in the first place, consider writing a letter asking to appear before the executive board to explain your case. A union has a "duty of fair representation" which does not require it to take all cases to arbitration, but does require minimal standards of fairness in judging which cases to take and how to process them.

Your recourse against the union is to sue in federal court (or go to the NLRB, which is less effective) within a six month time limit.

If you lose at arbitration, it is very hard to overturn. You normally cannot appeal an arbitrator's decision because you feel it is unfair or unjust. No court will review the merits of the case. The court would only review procedural and jurisdictional questions, such as the arbitrator's decision was not based at all on the contract. Thus arbitration is nearly always "final and binding" and you must present your strongest possible case.

Bay Area Coke, Pepsi Contract is Ratified

San Francisco Bay Area beverage drivers and bottlers in six Teamster locals voted *three* times in three weeks not to accept harsh takeaway demands by the *food employers council* representing *Coca-Cola, Pepsi Cola, Seven-Up* and smaller soft drink companies.

On August 26, all six locals were virtually unanimous in rejecting a company proposed settlement that included a first year wage freeze, a cap on employer health and welfare payments, a ten hour four day work week, a "flex-time" work week of Tuesday through Saturday, and lesser takeaways.

On August 30, a "final offer" of a three year contract that included wage increases of under ten percent (30-40-50); a higher cap on the health and welfare payments; a pension increase only in the third contract year; and no changes in the other takeaways was voted down, 421-213; *a 66.4% majority.*

The presiding official, Chuck Mack, President of Joint Council 7, reminded members that the Teamster Constitution requires a two-thirds rejection of a "final offer" in order to call a strike.

Since the vote of 421-213 was 66.4%, just under the 66.6% (⅔), Mack advised the membership to continue working and asked the employers to reopen negotiations.

The employers replied that the contract had been ratified, and the employees and the union were expected to abide by the new contract.

On September 5, union negotiators informed their members and the companies, "That voting irregularities have come to light; the vote has been invalidated and there will be a re-vote with the six bargaining units meeting in the same hall on Sunday, September 16."

The companies countered by threatening legal action and by holding in-plant meetings, posting statements and handing out letters; sometimes to "explain" their proposals, other times to threaten their employees with discipline if they failed to report to work as scheduled.

On Thursday, September 13, negotiators from both sides agreed that the companies would withdraw their proposal for a 4 10-hour day workweek, limit the "flex week" to new hires and encourage their employees to participate in the re-vote set for the following Sunday. In exchange the union officials agreed not to recommend a "no" vote.

On Sunday, Chuck Mack opened the meeting by announcing that only two locals would be there, the other four would meet separately in their respective counties.

The vote tally from all locals was 356 "no," 259 "yes." Separating the workers from one another had its effect in reducing the "no" vote to a 58% majority.

However the two locals that voted together rejected the contract by lopsided majorities: drivers' Local 70 voted 104-12, a 90% rejection; bottlers' Local 896 voted 163-5, a 97% rejection!

The unions then announced, "The contract was not rejected by an overall two-thirds majority as is required by the International Constitution. As a result, we have a contract."

Beverage Teamsters fought back against concessions and did a good job. But to put our union back on the winning road we need to revive the ideas of rank and file power that built the union.

Suit Against Employers and Local 406

Jury Rules in Favor of Kroger "Orphans"

On October 12, 93 Kroger drivers and warehouse workers won in federal court when a jury ruled in favor of them against Grand Rapids Local 406, Kroger, and Hamady Bros. Food Markets. The ruling established that the union violated its duty of fair representation, and that the companies had violated the successor clause of the contract.

The next step will be to sue for damages.

The 93 Teamsters involved worked at Kroger until 1980 when Kroger sold its Grand Rapids warehouse and 21 stores to Hamady Bros. Despite a contract clause covering the matter, the new employer picked which employees it would take, violating seniority and fairness, and the union did little to represent the members, who then started picketing the union hall to demand action.

Finally they had to take their case to federal court.

The federal court ruling found all three parties in the deal at fault, both employers and the local union leaders. Kroger violated the "successors and assigns" clause by transferring the warehouse to Hamady without requiring Hamady to assume the collective bargaining agreement as a condition of the sale," the jury stated.

Federal Judge Benjamin Gibson will rule soon on whether the workers' damage claims will be heard individually or in a class action suit. A trial on that could begin in January. Both the Local 406 leaders and Kroger stated they would appeal the workers' victory.

In the meantime, the top officers of Local 406 were voted out of office in late October by the Service Group Slate of challengers.

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TDU Wives' Network Initiated

Time for Teamster Wives to be Heard

Each year at the Rank and File Convention there is a workshop for women whose husbands are in TDU. This year we decided it was time to start a network for the TDU wives. The network, we determined, should be a source of information, a way to keep in touch with other women, and a forum for discussing problems faced by ourselves and our families. The following is the first of the "TDU Wives Network," written by Linda Alberty, from South Bend, Indiana.

On Tuesday, November 6, in South Bend the first meeting of the wives of Murphy Motor Lines road drivers took place. The women who attended that meeting are dedicated to the belief that they can make a dent in and be heard by this large corporate structure.

My involvement began because I was tired of seeing my husband tied to a telephone for the precious little time he had at home, tired of always being alone because of 70 hour work weeks and tired of unsafe equipment that he was told to drive by some man behind a desk with a computer.

Time to Sound Off

I talked to other women and found that they felt the same. These women have decided, as we all must do, that it's time to make noise, sound off about the lack of regard and respect trucking companies have today for their drivers and their families. We know other women have done things like picket their husbands' terminals to show their support. We have put an ad about TDU in one of our local papers to draw attention to the organization, with a good amount of success so far.

With courage and determination these women are contacting others to let them know that it is time to make ourselves heard. We are willing to fight for our homes and families and our dream of a secure future with our men, who already work hard to make that dream a reality.

Hand in hand we can do it together and fight side by side, shoulder to shoulder, the way it has always been. We will no longer tolerate the companies' theory of divide and conquer and our union's willingness to let it happen.

Whether it was a musket in hand or on top of a soap box, women have always been able to accomplish change. Now TDU is opening up to us a women's network where we can get in touch with each other, sound off our problems, pass on our ideas and learn from each other so we can build a strong network of women who are willing to stand beside our husbands and work together for the respect and understanding that will bring pride to the profession again. Let's use our network to accomplish these goals. Be a part of it, don't sit on the sidelines any longer.

If you would like to be a part of the TDU "Wives Network" contact the National Office for more information.

photo by Bob Gumpert

Wives meeting at the 1983 TDU Convention.

Equal Rights for Road Drivers

Louis Reuter
Road Steward, Carolina
Baltimore, Maryland

With the upcoming negotiations for a so-called better contract, we, the road drivers must push for equal rights. The rights we are talking about are: all time paid for; elimination of the slave labor seventy hour work week—which should be reduced to fifty hours, with ten hours at time and one half, and also time off for holidays.

We have given enough for too long and it should cease with this contract.

Abe Lincoln, you freed the slaves but you forgot the road driver. If management dispatches you excessively fast and you run out of hours, under the D.O.T. regulations, and are out of hours over 24 hours, you then lose your 6 hour mark-off.

Another slave labor item that other employees don't have to adhere to is waiting by the phone, which at times is in excess of 30 to 40 hours. This is time that you have been waiting to be called for work, and if you tell management that you are too fatigued to go out after being up for say 12 hours they don't want to hear it. They say you should have gotten your proper rest. The question is, how much sleep can you get while waiting by the phone?

The worst thing is that our wives and children do not really know us because they can never plan a holiday outing or any family activities. In fact they never really know when we will be sleeping or awake.

I believe that our contract has to be changed. We need more jobs and there is no better way to do this than to reduce road drivers' hours of service from the 70 hours to 50 hours. I believe that this will reduce the number of drivers falling asleep at the wheel or sleeping by the side of the road because of lack of sleep at home when they are waiting for the phone.

Road drivers have been slaves to these companies for too long, and deserve better working conditions, as well as better sleeping conditions when on layovers. And most important we need more time off.

The companies say that the D.O.T. allows us to work 70 hours in eight days, but does that mean we *must* work this amount of time? Also, does this mean that the union must stick to the D.O.T. rules when negotiating a contract?

The Man Everyone Loves to Hate.

Gene Shepherd, who is despised throughout the Western Conference for selling out Teamsters in the tankhaul and freight industries, has come back again, in a new disguise. Everyone thought they were rid of him for good when his was one of the first heads to roll following the appointment of Jesse Carr to take over the Western Conference earlier this year.

Now Shepherd has shown up again, this time as a "labor consultant," representing trucking companies before freight panels! They say that you just can't get rid of a bad penny, and it must be true.

Local 863 Official Gets Nine Years for Labor Racketeering.

A federal judge has sentenced Joseph Paone, Recording Secretary of Teamsters Local 863, to nine years in prison and fined him $25,000 for involvement in a kickback scheme which the judge branded as, "Labor racketeering at its worst."

The scheme involved payoffs to Paone funneled through a "parade" of no-show employees placed on the Federico Trucking Co. payroll. The scheme netted Paone $225,000 in kickbacks.

Thomas Pecora, general manager of Federico Trucking, was sentenced to 5 years in jail for his part in the kickback scheme. Pecora, whom the judge described as "an intelligent, hard-working young man," was instrumental in seeing that the scheme was carried out. The judge told Pecora, "You had a very simple choice. All you had to do was say no."

Thomas Pecora's father, Joseph, is Secretary-Treasurer of Local 863.

Kansas City Teamster Wins $125,000 in Blacklisting Case.

In response to a lawsuit filed by Teamster member James Collins, the officials of Local 41 have made an out-of-court settlement reported at $125,000. (Exact terms of the deal are confidential.) Collins sued for $177,000, alleging that Local 41 hired a motorcycle gang to beat him up, fixed a grievance hearing against him, and blacklisted him. Collins had a strong case because of a witness, Louis Riley. Riley stated that Local 41 officials ordered, and then canceled the order, to have Collins beat up.

Collins ran for secretary-treasurer in 1978. Later, he lost his job at American Freight, and that became part of his suit.

Collins told *CD* he is hopeful that after the current election in Local 41 he may be able to get union driving work again. There is a split in the old leadership of the local formerly headed by Roy Williams, with John Couts challenging Del Nabors for the top job.

Investigation Reveals Mob Control of NY and NJ Locals.

A 3½ year investigation has exposed mob control of several New York/New Jersey unions and resulted in the indictment of eleven top bosses of the Colombo organized crime family. The indictment charges "extortion and payoffs, mob control of labor unions, embezzlement of union funds, trafficking in heroin and other drugs, multi-million dollar thefts, illegal gambling and loansharking."

Two Teamster locals, 707 and 617, were named as being under the control and domination of the Colombo family.

Substandard Deals at Moraine, Ohio C.A.T.

When GM and Complete Auto Transit opened facilities in Moraine, Ohio in 1981, Local 957 had never represented carhaulers before. Since then Secretary-Treasurer Wendell Quillen has acted like carhaulers don't have a national contract and has given Complete substandard deals across the board. These deals have cost employees millions of dollars in lost wages and unpaid medical bills. And they have undermined the contract for all carhaulers.

The full story of these deals would fill a book, but here is a summary:

• Moraine employees were put under the Ohio Drivers Fund, despite Article 52, which designates the Central States Health and Welfare Fund. Although the employer paid the same amount, the employees got drastically reduced benefits. It took a suit backed by TDU to finally get the scandal-ridden Ohio Fund merged into the Central States Fund, thus restoring top benefit levels.

• A full year before substandard pay for new hourly employees was introduced into the contract, Quillen allowed Complete to pay substandard pay to all Moraine yard employees. Yard employees are supposedly under a separate company, Transport Services, Inc. (TSI). But TSI is listed with Ohio Workers Comp. as a wholly owned subsidiary of Ryder Systems, the parent company of Complete. Drivers at Moraine have been denied transfer rights into the yard, but Quillen favorites have reportedly been allowed to shift from TSI to Complete and back again. TSI supervisors have the power to reprimand Complete drivers.

• On April 23, 1984, Quillen signed a 4-point contract which includes: "1) When a driver receives two additional loads prior to returning to Moraine, the *shortest of the first two loads* will be paid at the competitive rate; 2)...the driver is to call central dispatch to attempt to receive a load each time he is empty... 4)...*the load does not have to be in the direction of our home terminal.*"

This short, but bitter, outrage violates the contract six ways to Sunday. And Quillen and Complete know it. During the time the NLRB was investigating charges over this deal, items 2 and 4 were scratched out. But Quillen bragged he could have the charges dismissed by the NLRB, and when they were, the items were reinstated. The charges are now being appealed to the NLRB's Washington office.

Quillen seems to have taken some of his deals to the Ohio Carhaul Panel, but that panel has no authority over Local Riders or Competitives. Just read Art. 2, Sect. 5a and Art. 22.

That's why Quillen has had to resort to threats to try and cover his tracks. Many grievances have been filed on these deals. He has threatened members into withdrawing them, or refused to process them, or has taken them to the Ohio Panel which lacks authority.

Carhaul Notes: Running Mile Keeps Running

At the National Panel October 15, Anchor didn't bother to answer one question or challenge to their phony figures on the running mile. It seems they knew something because, despite new challenges from Local 326, the panel okayed the running mile. To add insult to injury, Union Panel Chairman Moran Schmidt supported a limit on loading pay of two hours. The lack of contract authority doesn't phase him.

Half Rates Out of Control

After the shift of Leaseway Motorcar drivers from Chesepeake to Baltimore, the company says every load out of the Central Conference will be ½ rate. For Moraine, Ohio CAT drivers it's every load out of the east. Find that in the contract if you can.

Do They Need Relief?

Company	Revenue	Profit	Operating Ratio	Profit Rate
F. J. Boutell	$13 mil.	$292,000	93.9	43.0%
Commercial Carriers	143 mil.	5.08 mil.	94.3	19.6%
Complete Auto Trans.	212 mil.	10.27 mil.	90.9	26.0%
Janesville Auto	50 mil.	2.73 mil.	90.6	21.0%
M & G Convoy	71 mil.	339,000	99.3	3.2%
Ryder Group	**489 mil.**	**18.72 mil.**	**93.2**	**20.9%**
Anchor Motor Freight	234 mil.	8.63 mil.	92.7	17.9%
C & J Commercial Driveaway	62 mil.	2.54 mil.	92.1	24.8%
Motor Car	29 mil.	1.69 mil.	88.2	60.2%
Leaseway Group	**325 mil.**	**12.85 mil.**	**92.2**	**20.1%**
Arco Auto Carriers	12 mil.	8,000	97.7	0.6%
Auto Convoy	49 mil.	-948,000	100.8	-186.6%
Cassens Transport	46 mil.	556,000	99.0	25.0%
Convoy Company	40 mil.	3.92 mil.	100.2	80.3%
Jack Cooper	35 mil.	2.41 mil.	86.7	33.7%
Dallas & Mavis	43 mil.	1.06 mil.	96.0	13.1%
E & L Transport	62 mil.	1.60 mil.	95.6	67.1%
Fleet Carrier	35 mil.	318,000	100.2	-0.2%
Hadley Auto Trans.	31 mil.	1.11 mil.	94.7	28.2%
Insured Transporters	4 mil.	17,000	100.7	1.7%
Kenosha Auto Trans.	47 mil.	479,000	98.9	1.9%
K.W. McKee	9 mil.	316,000	100.3	9.4%
The Motor Convoy	69 mil.	196,000	98.8	8.6%
Nu-Car Carriers	95 mil.	1.73 mil.	96.4	32.1%
Pasha Truckaway	5 mil.	183,000	96.3	33.7%
United Transports	68 mil.	1.40 mil.	96.5	15.2%

This chart shows the 1983 profits for carhaul companies. This was only part way into the auto sales recovery. For the first six months of 1984, Ryder's overall profits increased by 162%. Leaseway's own *Anchorage* magazine says 1984 profits are setting records. Between them Leaseway and Ryder conglomerates controlled 55.7% of the revenues and 68.1% of the profits.

The only company with a big apparent loss, Auto Convoy, isn't really that bad off. The bulk of it comes from a non-operational deduction due to taking over Associated Transports. Likewise, Fleet Carriers' profits are artificially depressed by a scheme of diverting revenues into another company so they can rob brokers of their fair percentage of the revenues.

Now you see why they only print words and not facts and figures in the industry propaganda sheet, *The Automobile Transporter.*

These figures are taken from the ATA's annual reports. Profits are net income after taxes, and profit rate is return on equity after taxes.

Steward's Manual

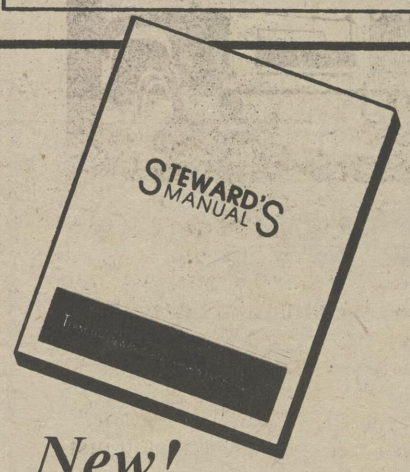
This new pamphlet is a comprehensive handbook for Teamster stewards and rank and file activists, covering subjects from "The Role of the Steward" to "Legal Rights" and "Building Unity on the Job and in the Union."

"I found that the manual contained excellent information. As a steward I recommend it as a vital guide for all stewards. Most important it is broken down in a way that makes it useful on a daily basis in individual shops."

Mike Domke
Steward, Borman's Foods
Local 337, Detroit, MI

"Too often stewards don't know the many roles they have to play, and often overlook the important role they can play in organizing members. This manual really covers the many hats that a steward has to wear. I think our grievance procedure would be improved tenfold if all stewards read it."

Bill Bauman
Chief Steward, UPS
Local 688, St. Louis



New!

Revised!

Grievance Procedure

Getting the Most from Your Grievance Procedure has been revised and updated with an entirely new section on understanding past practice. This handbook is truly designed to help all Teamsters get as much protection as possible out of their grievance procedure, with valuable tips on how to file grievances and increasing your chances of winning. Order yours today.

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YES, I want _____ copies of *Getting the Most from Your Grievance Procedure.* Price: $1.00 each.

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Send to:
TDU, P.O. Box 10128, Detroit, MI 48210

Time to Restore Strength and Parity

Proposals to Improve Carhaul Contract

At the recent TDU Convention carhaulers from every conference met and hammered out a serious, but moderate, set of demands which are essential to restoring strength and parity to the carhaul contract. Negotiations for this contract are just beginning.

This article will summarize these demands. For a full copy, write TDU.

Our Right to Vote

We have been forced to work under the running mile, substandard local riders and incentive loading in many terminals. Every agreement or proposed change should be binding **only if** approved by a majority of union members who must work under the agreement. Each conference supplement and local rider should be subject to a separate majority rule vote, with the affected members retaining the right to strike. Right now UAW locals are engaged in this process within the context of their national contract.

The role of the conference committees on local riders should be limited to a mediating role. If we get the right to vote on agreements, management must bargain in good faith and convince us changes are to the mutual advantage of union members and management.

Grievance Procedure

Our grievance procedure is ineffective because management has nothing to lose by clogging the committees. Unless we return some power to the local union level, the erosion of our contract will continue. Therefore, we propose to include a limited right to strike at the local level. A local union should be able to strike for a maximum of 72 hours following a majority vote of members at the facility. If no sanction for a continued strike is received from the International Union, the strike must be ended within 72 hours.

We further propose that the union have the right to strike over grievances which are deadlocked at the National Panel, as in Article 8, Section 1 of the Master Freight Agreement. And as in Master Frieght Article 8, Section 2b, discipline over unauthorized strikes of under 24 hours shall be limited to suspension.

We need **innocent 'til proven guilty** to protect members from unjust or harassment discharges. An employee to be discharged (or suspended) shall remain on the job without loss of pay unless and until the discharge or suspension is sustained under the grievance procedure.

Votes at panel meetings shall be recorded; reasons for the panel decision shall be given in writing; and recordings kept of the proceedings.

Our stewards are being buried with paperwork from thousands of writeups and pay denials. Therefore, above a minimum 20 hours per month for terminals with 40 employees or less, stewards pay of 30 minutes per month at the hourly rate shall be paid for each employee over 40. This money may be allocated to one steward or may be pooled for division among a larger committee sharing the work.

The denial of unlimited leaves of absence for our Business Agents outside the Eastern Conference is unjust and limits the union's choice of people to serve in this vital role. Unlimited leaves of absence for union business must be contractually guaranteed.

Job Security and Safety

Our job security can be strengthened with some simple provisions. When there are layoffs, overtime for both hourly workers and drivers should be voluntary. The companies have abused the 20% backhaul provision from terminals with layoffs. There should be no backhauls from terminals with layoffs.

The conglomerates have manipulated subsidiaries to deny seniority rights and undercut the contract. These phony subsidiaries should be declared to be part of one company. The exemption of port facilities from the seniority protections of Article 5 should be ended.

Management continues to sacrifice our safety to their profits. Carhauling remains among the most dangerous of occupations, and the joint committee approach to safety has proven to be ineffective. Therefore, an elected committee of union members should be given the power to "red line" unsafe equipment with their decision standing until the defects are repaired or their decision is overturned by a grievance committee. Specific proposals on safety features of equipment should be included in the contract.

Benefits—Parity with UAW

UAW retiree insurance is superior to ours. A supplemental program should be implemented which includes families. There is no reason carhaulers should not enjoy the same holidays as UAW members. Some already receive them. We also need to lower the service requirements for three, four and five weeks of vacation.

Pay Must Be Equalized

The two-tier hourly rate is not only unjust. It has given the companies incentive to undercut the seniority and transfer rights of all carhaulers. It must be abolished. Premium pay for weekend work should be guaranteed—no Tuesday through Saturday "flexible work weeks." Shift differential should be increased to 5% for afternoons and 10% for nights.

The running mile has been introduced in the East and Central-Southern by deception. This contract must ban running mile pay outside the Western Conference.

The "frozen full rate" on some non-competitive loads must be changed so all full rate loads pay the same. Outlandish unpaid deadhead miles on some full rate-half rate loads must be limited by a provision for a minimum pay of two-thirds of the miles traveled.

Management is routinely denying claims for delay, waiting and check-out time, as well as excess loading pay. Strengthened contract enforcement on this will be aided by a simple provision stating that: "All time in service of the employer shall be paid."

Western Conference carhaulers have not received an increase in their 'subsistence pay' for years. They must get it in this contract. To narrow the gap between the standards of pay in the west and the rest of the country, the existing running mile pay setup in the west should be changed to add 1 cent per unit (not per load) for backhauls.

Any incentive loading scheme must be voted on and must include the driver option to load at the regular hourly rate.

For **owner-operators**, company schemes to divert revenues from the drivers' percentage checks as has occured in Pontiac and Memphis must be outlawed.

"Unrealistic" Demands?

The companies will surely say so. They'll call for "cooperation." These demands are mainly in response to their arrogant evasions, deceptions and stonewalling of our existing contract rights. No employer who is prepared to operate in good faith will be bothered by these proposed contract changes. But to make them act in good faith, it will take a show of determination by the thousands of Teamsters who work under this contract. This will take work and organization. Here's what you can do:

1) Your comments, additions and criticisms of these demands are welcome.

2) You can help spread the word by taking a small bundle of **Convoy Dispatch** to distribute on the road. See the coupon on page 9.

3) Attend your union meetings. The companies will be watching. Apathy is their greatest ally.

4) Join TDU. Your support is important. Organization and communication among carhaulers from coast to coast is vital and TDU is doing it.

photo by Bob Gumpert

"It doesn't cost to join TDU. It pays."

—Jake Workman
Local 150
Sacramento, California

Join TDU!

Name_____ Local Union #_____

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☐ $25 membership fee—for one year's membership & subscription to **CONVOY DISPATCH.**

☐ $60 three year membership fee. ($10 of this shall be rebated to the local chapter.)

☐ $15 annual dues for spouses, retirees, and Teamsters who gross less than $12,000 a year.

Return to: TDU, P.O. Box 10128, Detroit, Michigan 48210

(TDU membership is kept confidential from employers and union officials.)

Bridgeport, Connecticut Local 145

NLRB Ruling Protects Challengers' Rights

by Jim Kestell
Attorney, Hartford, Conn.

An administrative law judge of the National Labor Relations Board has ruled that Dresser Industries of Stratford, Connecticut blatantly favored incumbent Local 145 officers over a slate led by TDU member Abe Ferreira in a 1982 local union election. He also found the company engaged in many unfair labor practices.

The law judge found that almost immediately upon learning that a slate was being formed to oppose the incumbents the company discriminatorily fired both Ferreira and another employee running on the slate. He also found that Dresser suspended, laid off and disciplined other members of the slate and their open supporters in the shop.

The judge's decision also pointed out that while incumbents were allowed to campaign openly on shop time, the challengers were threatened with discipline if they were even seen talking.

Dresser was ordered to reinstate the fired employees with full backpay (including interest), clear their records, and pay backpay with interest to the other affected employees.

According to Abe Ferreira members are elated over the victory since it provides further evidence that Dresser management and Local 145 officers have too cozy a relationship.

Employees have paid dearly for managements's support for the incumbents (and their many family members working in the shop.) In return, Local 145 has refused to aggressively process grievances or represent employees in grievance hearings, and has negotiated concession contracts.

Ferreira and others will be running a slate again in next year's election to remedy this situation once and for all. This NLRB decision should offer encouragement to employees that they have protection against the company's efforts at intimidating members from supporting anyone but the incumbents.